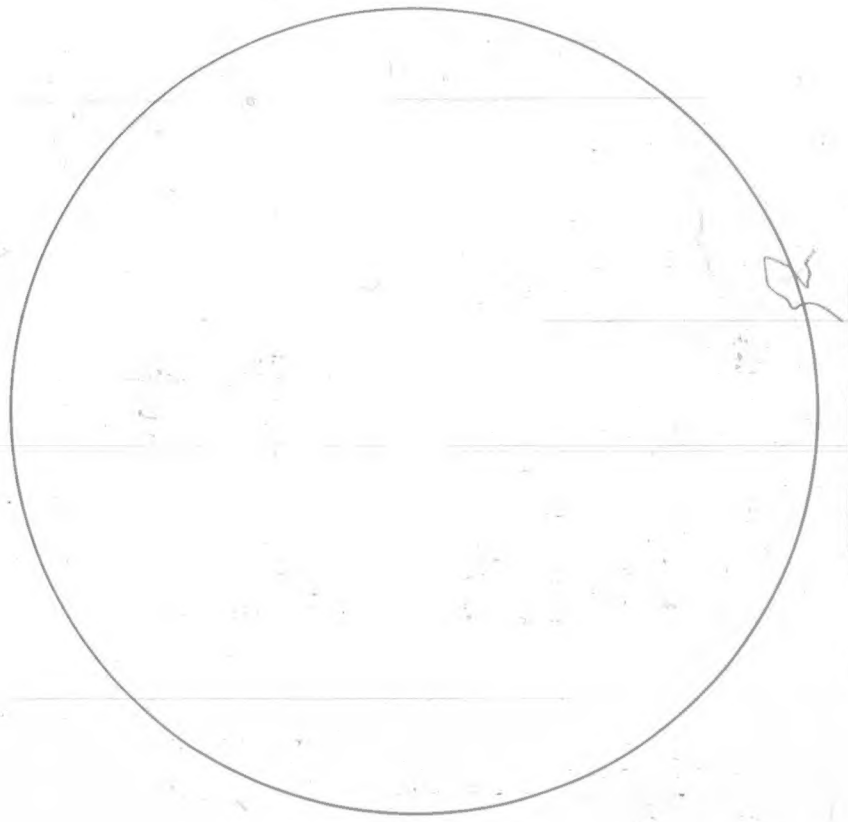
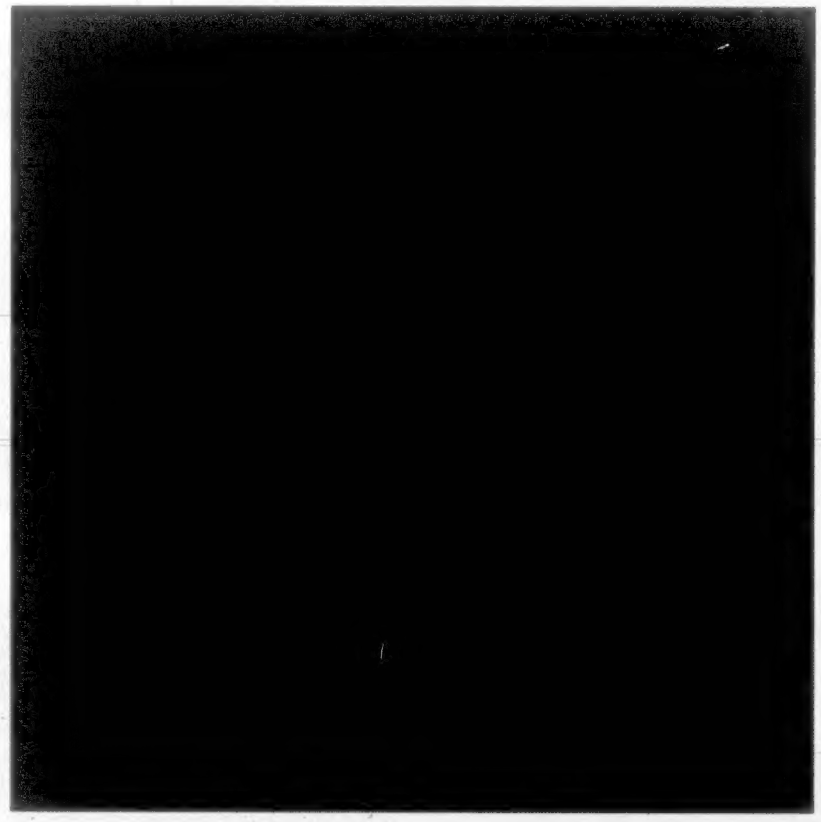


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APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 47

CHOCTAW MINOR (ACT OF 1906) 913-1058

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

Choc. Minor 913

Ora Lee Bell Lowery

M913

Notary Public.

FEB 1 1907

REFER IN REPLY TO THE FOLLOWING:

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

United States of America, Ind. Ter. }
Southern District }

I, J. F. Lowery, on oath, state that I am twenty-two-years of age and a citizen by blood of the Choctaw Nation; that my post office address is Sneed, I. Ty.; that I was placed on the approved rolls of Citizens of the Choctaw nation as Franklin Lowery, by which name I am commonly known, and have been recognized as such by the Chickasaw Land Office; that I appeared at the office of the U. S. Clerk on Oct. 4, 1904, and secured marriage License for the marriage of myself to Gertie Barber; that said J. F. Lowery and Gertie Barber, whose names appear on the aforesaid marriage License are identical and the same as Franklin Lowery and Gertrude Lowery, who have made application for the enrollment of their minor child, Ora Lee Bell Lowery, as a citizen by blood of the Choctaw Nation.

J. F. Lowery

Witness J. G. Ishire

Subscribed and sworn to before me this 30th day of January, 1907.

Andrew Ishire
Notary Public.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

FEB 1 1907

COMMISSIONER.

Certificate of Record of Marriage.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT. } sct.

I, C. M. CAMPBELL, Clerk of the United States Court, in the Territory and District aforesaid, DO HEREBY CERTIFY, that the License for and Certificate of Marriage of Mr. J F Lowry and M Gertie Burbo were filed in my office in said Territory and District the 10 day of Oct A. D. 1904, and duly recorded in Book H of Marriage Record, Page 370

WITNESS my hand and Seal of said Court, at Ardmore, this 10 day of Oct A. D. 1904

C M Campbell
CLERK.

FILED
AT ARDMORE
OCT 10 1904 8 AM
C. M. CAMPBELL, Clerk
and Ex-Officio Recorder.
Southern Dist. of Ind. Ter.

☞ Return this license to the United States Clerk at Ardmore, that it may be recorded, when it will be mailed to the proper address.

No person is authorized to perform the Marriage Ceremony in the Indian Territory unless the proper credentials have first been recorded in the Clerk's office.

MARRIAGE LICENSE.

No. 540

United States of America, Indian Territory, Southern District } ss. To any Person Authorized by Law to Solemnize Marriage, Greeting:

You are Hereby Commanded to solemnize the Rite and publish the Banns of Matrimony between Mr. J. D. Lowry of Bush in the Indian Territory, aged 21 years, and Miss Curtis Barnes of Bush in the Indian Territory, aged 17 years, according to law; and do you officially sign and return this license to the parties therein named.

Witness my hand and official Seal, this 4th day of Oct A. D. 1904

C. M. Campbell
Clerk of the United States Court.

By A. H. Assistant Deputy

Certificate of Marriage.

United States of America, Indian Territory, Southern District } ss.

I, R. C. Roland do hereby certify that on the 5th day of Oct A. D. 1904, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

Witness my hand this 6 day of Oct A. D. 1904

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Southern District, at Ardmore, Book 6, Page 207

R. C. Roland
minister of Gospel

NOTE (a)—This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Indian Territory, at Ardmore, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of ONE HUNDRED DOLLARS ($100).

TEXAS PRINTING COMPANY, FORT WORTH.

NEW BORN 913

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Ora Lee Bell Lowery

as a citizen of

CHOCTAW

..... Nation.

Approved.. ..... 190...

....

Commissioner.

Born Aug. 27, 1905 -

ACT OF CONGRESS APPROVED APRIL 26, 1906.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED
JUL 10 1906

CHOCTAW
7-4006

RECEIVED
JUN 29 1906

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Ora Lee [redacted] Lowry born on the 27 day of Aug 1905
(Here insert name of child)
Name of Father: Franklin Lowrey a citizen of the Cherokee Nation.
Name of Mother: Gertrude Lowrey a citizen of the Cherokee Nation.
Tribal enrollment of father. Cherokee. Tribal enrollment of mother.
Postoffice Smade I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Love District.

I, Gertrude Lowrey on oath state that I am 19
years of age and a citizen by Blood of the United States Nation;
that I am the lawful wife of Franklin Lowrey, who is a citizen, by
Blood of the Cherokee Nation; that a Girl child was
(Male or Female)
born to me on 27 day of Aug. 1905; that said child has been named
Ora Lee [redacted] Lowrey and was living March 4, 1906.

Gertrude Lowrey

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 27 day of June 1906.

E. E. Davis
Notary Public.

My commission expires
the 21 day of Oct 1909.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Love District.

I, A. B. Davis, a M. D., on oath state that I
attended on Gertrude Lowrey, wife of Franklin Lowrey
on the 27 day of Aug 1905; that there was born to her on said date a Girl child
(Male or Female)
child; that said child was living March 4, 1906, and is said to have been named Ora Lee [redacted] Lowrey

A. B. Davis M. D.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 27 day of June 1906.

E. E. Davis
Notary Public.

No. 913

, 190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Ora Lee Bell Lowry

as a citizen of

Choctaw Nation.

Approved FEB 11 1907, 190...

Commissioner.

Born Aug 27" 1903.

ACT OF CONGRESS APPROVED APRIL 26, 1906.

DEPARTMENT OF THE INTERIOR
COMMISSIONER

AUG 13 1906

CHOCTAW

RECEIVED

JUL 23 1906

2-4006

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Ora Lee Bell Lowry born on the 27 day of Aug. 1905

[Here insert name of child]

Name of Father: Franklin Lowry a citizen of the Choctaw Nation.

Name of Mother: Gertrude Lowry a citizen of the United States

Tribal enrollment of father Choctaw Tribal enrollment of mother none

Postoffice Sneed Pickens Co I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Southern No. 21 District,

I, Gertrude Lowry on oath state that I am 19 years of age and a citizen by birth of the United States Nation; that I am the lawful wife of Franklin Lowry, who is a citizen, by birth, of the Choctaw Nation; that a female child was born to me on 27 day of Aug 1905; that said child has been named Ora Lee Bell Lowry and was living March 4, 1906.

Gertrude Lowery

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 20 day of July, 1906.

A.B. Davis
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
No. 21 Southern District.

I, A.B. Davis a physician, on oath state that I attended on Gertrude Lowry wife of Franklin Lowry on the 27 day of Aug. 1905; that there was born to her on said date a female child; that said child was living March 4, 1906, and is said to have been named Ora Lee [redacted] Lowry

A.B. Davis M.D.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 20 day of July, 1906.

A.B. Davis
Notary Public.

My commission Expires Oct 21, 1907.

7-4006

Muskogee, Indian Territory, July 10, 1906.

Franklin Lowery,

Sneed, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Gertrude Lowery and A. P. Davis M. D., to the birth of Ora Lee Bell Lowery, child of Franklin and Gertrude Lowery, August 27, 1905, and the same have been filed with the records of this office as an application for the enrollment of said child.

You are advised that it will be necessary that new affidavits be executed for the reason the day and month of birth of child are not given in the affidavit of the physician, and for this purpose there is inclosed herewith a blank which please exercise care to see that all spaces are filled out, and return to this office as early as practicable.

Respectfully,

Commissioner.

B C

Choc. Minor 914

Francise Anna

M914

7-1102 914

100

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Francise Hunter Anna

as a citizen of

CHOCTAW Nation.

Approved.. 190...

Commissioner.

Born on or about Jan. 15 1906.

ACT OF CONGRESS APPROVED APRIL 26, 1906.

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF INDIAN AFFAIRS

AUG 13 1906

CHOCTAW

N B 914

RECEIVED
JUL 25 1906

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Francese Santeetanna, born on the 15 day of January 1905
[Here insert name of child]

Name of Father: Jim Santeetanna a citizen of the Choctaw Nation.

Name of Mother: Lisbury Santeetanna a citizen of the Choctaw Nation.

Tribal enrollment of father ..... Tribal enrollment of mother .....

Postoffice Eagletown, I. T.

AFFIDAVIT OF ~~MOTHER~~. Acquaintance

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Jackson McKinney, on oath state that I am 45 years of age and a citizen by blood, of the Choctaw Nation; that I am ~~the lawful wife of~~ personally acquainted with Lisbury Santeetanna, who is a citizen, by blood, of the Choctaw Nation; that a Female child was born to ~~me~~ her on the 15 day of January, 1905; that said child has been named Francis Santeetanna, and was living March 4, 1906.

Jackson McKinney.

WITNESSES TO MARK:

[Must be Two Witnesses] .....
.....

Subscribed and sworn to before me this 23 day of July 1906.

H. H. Kinney
Notary Public.

AFFIDAVIT OF ATTENDING ~~PHYSICIAN OR MID-WIFE~~. Acquaintance

UNITED STATES OF AMERICA, Indian Territory,
..... District.

I, Bittie T. Anderson, acquaintance, on oath state that I
am acquainted with Lisbury Santeetanna wife of Santeetanna
attended on and that that
on the ..... day of ....., 1..; that there was born to her on said date a Female child; that said child was living March 4, 1906, and is said to have been named Francis Santeetanna

Bittie T. Anderson

WITNESSES TO MARK:

[Must be Two Witnesses] .....
.....

Subscribed and sworn to before me this 23 day of July 1906.

H. H. Kinney
Notary Public.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Francis Anna [Here insert name of child] born on the 15 day of or about January 1905

Name of Father: Santa Anna a citizen of the Choctaw Nation.

Name of Mother: Lisuie Anna a citizen of the " Nation.

Tribal enrollment of father ..... Tribal enrollment of mother .....

Postoffice Eagletown I.T.

AFFIDAVIT OF ~~MOTHER~~ Acquaintance

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Jackson J. McKinney, on oath state that I am 45 years of age and a citizen by blood of the Choctaw Nation; that I am the ~~lawful wife of~~ personally acquainted with Lisuie Anna, who is a citizen, by blood of the Choctaw Nation; that a Female [Male or Female] child was born to me on or about the 15 day of January 1905; that said child has been named Francis (Fanny) Anna and was living March 4, 1906.

Jackson McKinney

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 3rd day of November 1906.

H. H. Kinney
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR ~~MIDWIFE~~ Acquaintance

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Bettie Anderson, an Acquaintance on oath state that I am ~~a physician~~ acquainted with Lisuie Anna, wife of Santa Anna, ~~That~~ on the 15 day of or about January 1905; that there was born to her on said date a Female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Francis (Fanny) Anna

her
Bettie Anderson
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { Sim Harkins
Jesse McElroy

Subscribed and sworn to before me this 3rd day of November 1906.

H. H. Kinney
Notary Public.

Jcc

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Francise (or Fanny) Cuna.

as a citizen of

Choctaw Nation.

Approved. FEB [illegible] 1907. 190...

Commissioner.

ACT OF CONGRESS APPROVED APRIL 26, 1906.

[illegible] TRIBES.

CEDED LANDS TO THE FIVE CIVILIZED TRIBES.

FILED

JAN 22 1907

[illegible]

Application Received July 25 1906.

23017

BIRTH AFFIDAVIT.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Francise or Fanny Anna [Here insert name of child] born on the about 15 day of January 1905

Name of Father: Santa Anna, a citizen of the Choctaw Nation.

Name of Mother Lisiw Anna, a citizen of the Choctaw Nation.

Tribal enrollment of father ..... Tribal enrollment of mother .....

Postoffice Lukfata, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Abbott Elliott, on oath state that I am 40 years of age and a citizen by Blood, of the Choctaw Nation; that I am acquainted with Lisiw Anna and that I am the lawful wife of Santa Anna, who is a citizen, by Blood, of the Choctaw Nation; that a female [Male or Female] child was born to me on about 15th day of January 1905; that said child has been named Francise or Fanny Anna and was living March 4, 1906; the Choctaws call this child Francise and in English Fanny: Abbott his X Elliott mark

WITNESSES TO MARK:

[Must be Two Witnesses] { W.W. Martin
Frank L. Doble

Subscribed and sworn to before me this 18th day of January 1906.

W.W. Martin
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Sam Burris, on oath state that I am acquainted with Lisiw Anna, wife of Santa Anna, and that I was present on the 15th day of January 1905 when there was born to her a female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Francise or Fanny Anna

Sam his X Burris mark

WITNESSES TO MARK:

[Must be Two witnesses] { W.W. Martin
Frank L. Doble

Subscribed and sworn to before me this 18th day of January 1906.

W.W. Martin
Notary Public.

McAlester, Indian Territory, October , 1906.

Wm H. McKinney,

Octovia, Indian Territory.

Dear Sir:

There are inclosed herewith copies of the affidavits of Jackson McKinney and Bittie Anderson, executed before you on the 23 day of July, 1906, in the matter of the application for enrollment of a minor daughter of Santa Anna and Liswe Anna; you note that in the application for enrollment the name of the child appears Francise Santa Anna and the name should be Francise Anna, Anna being the surname instead of Santa Anna.

Please have new affidavits acknowledged, and the name of the child corrected as above mentioned.

There is inclosed herewith one blank birth application togetherwith an official self addressed envelope for reply.

Very respectfully,

Octavia, Indian Territory, Nov. 7,1908.

Hon. Lacey P. Bobo

McAlester, Indian Territory.

Dear Friend:-

I herewith send you an application for enrollment of Francise Anna whom they called Fanny, and I hope the name will be approved. Did you go and see Mr.A.J.Nemes of Alikchi, I.T. about the time of the death of Jackson Nomintubbe or Nomentubby? His son Silas Jackson has killed himself lately; at Smithville, I.T.

Yours very truly,

23-014

Muskogee, Indian Territory, February 9, 1907.

M. M. Kinney,

Ostavia, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 26, 1907, stating that you have done all you could in the matter of the enrollment of Francise Anna as her parents are "Snake" Indians and it is impossible to get them to make affidavits to her birth.

In reply to your letter you are advised that sufficient evidence has been received at this office to pass upon the right of Francise Anna to enrollment as a minor citizen of the Choctaw Nation.

You have the thanks of this office for your efforts in this matter.

Respectfully,

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

23-914

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 28, 1907.

Santa Anna,

Eagletown, Indian Territory.

Dear Sir:

You are hereby advised that on March 1, 1907, the Secretary of the Interior approved the enrollment of your child, Francise (or Fanny) Anna, as a minor citizen of the Choctaw Nation under the Act of Congress approved April 26, 1906, and her name appears upon the final roll of such citizens enrolled under the Act of April 26, 1906, at No. 910.

She is now entitled to an allotment and application therefor should be made without delay at the Land Office for the Nation in which the prospective allotment is located.

Respectfully,

T. D. Rodgers

Acting Commissioner.

Choc. Minor 915

Sampson Billy

M915

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

Thompson Billy [Here insert name of child] born on the 15 day of Dec 1905

Name of Father: Wilson Billy a citizen of the Choctaw Nation.

Name of Mother Lisiana Billy a citizen of the " Nation.

Tribal enrollment of father ..... Tribal enrollment of mother .....

Postoffice Eagletown, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Alford Ward, on oath state that I am 50 years of age and a citizen by blood, of the Choctaw Nation; that I am the lawful wife of Wilson Billy, who is a citizen, by blood, of the Choctaw Nation; that a male [Male or Female] child was born to me on March 15th day of December 1905; that said child has been named Thompson Billy, and was living March 4, 1906. and that the affidavit made by me at July 23, 06 giving the name of this child as Bempson Billy, is a mistake, same should appear in said affidavit as Thompson Billy.

Alford his X mark Ward

WITNESSES TO MARK:

[Must be Two Witnesses] { Aaron Dyer,
Frank L Doble

Subscribed and sworn to before me this 16th day of Janu 1907.

W M Hamm
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Wilson Jones, on oath state that I am personally acquainted with Lisiana Billy, wife of Wilson Billy, and know that about on the 15th day of Dec. 1905 that there was born to her a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Thompson Billy.

Wilson his X mark Jones

WITNESSES TO MARK:

[Must be Two Witnesses] { Aaron Dyer,
Frank L Doble

Subscribed and sworn to before me this 16th day of Janu 1907.

W M Hamm
Notary Public.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Thompson Ward [Here insert name of child] born on the about 15 day of Dec. 1905

Name of Father: Milmon Billy a citizen of the Choctaw Nation.

Name of Mother Lisiana Billy a citizen of the " Nation.

Tribal enrollment of father ..... Tribal enrollment of mother .....

Postoffice Eagletown, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Nelis Ward, on oath state that I am 20 years of age and a citizen by Blood of the Choctaw Nation; that I am personally acquainted with the lawful wife of Milmon Billy, who is a citizen, by Blood of the Choctaw Nation; that a Male child was born to me on about 15th day of December 1905 that said child has been named Thompson Billy and was living March 4, 1906.

Nelis her + mark Ward

WITNESSES TO MARK:

[Must be Two Witnesses] Baron Dyer
Frank L Doble

Subscribed and sworn to before me this 16th day of Janiy 1906.

W M Manton
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
..... District.

I, ..., a....., on oath state that I attended on ....., wife of ....., on the .....day of.....1.....; that there was born to her on said date a..... [Male or Female] child; that said child was living March 4, 1906, and is said to have been named .....

.....

WITNESSES TO MARK:

[Must be Two Witnesses] .....
.....

Subscribed and sworn to before me this.....day of..... 1906.

.....
Notary Public

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Sampson Billy [Here insert name of child] born on the ....day of .....1.....

Name of Father Wilburn Billy, a citizen of the Choctaw Nation.

Name of Mother Lesainey Billy, a citizen of the Choctaw Nation.

Tribal enrollment of father..... Tribal enrollment of mother.....

Postoffice Eagletown, I. T.

AFFIDAVIT OF MOTHER. Acquaintance

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Alfred Ward, on oath state that I am 48 years of age and a citizen by blood of the Choctaw Nation; that I am the ~~lawful wife~~ personally acquainted with Lesainey Billy, who is a citizen, by blood of the Choctaw Nation; that a male [Male or Female] child was born to me on ~~the~~ 18 day of Dec, 1905; that said child has been named Sampson Billy, and was living March 4, 1906.

Alfred his X Ward
Mark

WITNESSES TO MARK:

[Must be Two Witnesses] A. W. Jarman
Jim Folsom

Subscribed and sworn to before me this 23 day of July 1906.

Jackson McKinney
Notary Public.

Acquaintance

AFFIDAVIT OF ATTENDING ~~PHYSICIAN OR MID-WIFE~~

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Jackson McKinney, a acquaintance, on oath state that I ~~attended on~~ am personally acquainted with wife of Wilburn Billy, Lesainey Billy & that on the ....day of .....1.....; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Sampson Billy

Jackson McKinney

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 23 day of July 1906.

Jackson McKinney
Notary Public.

NEW BORN 915 J

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Sampson Billy

as a citizen of

CHOCTAW Nation.

Approved FEB 1 1907 190...

Commissioner.

Born on or about Dec 15th 1905

DEPARTMENT OF THE INTERIOR
COMMISSIONER FOR THE FIVE CIVILIZED TRIBES

AUG 11 1906

ASST. COMMISSIONER.

CHOCTAW
NB 915

JUL 25 1906

Choc. Minor. 916

William A. McCarty

Ollie McCarty

916

Aug. 13, 1906 Granted

Mar. 1, 1907 Decision of Commissioner revised and schedule containing names of these applicants disapproved by Dept.

March 1, 1909 Dept. requested report.

April 20, 1909 Report to Dept.

June 15, 1909 Dept. holds case is not analogous to Goldsby case and declines to take action looking to enrollment of applicants.

June 29, 1909 Parties notified.

217

IN RE
Application for Enrollment of
INFANT CHILD

William Archer Mc Carty

as a citizen of

Choctaw Nation.

Approved 190

Commissioner

23-916

APR 24 1905

BIRTH AFFIDAVIT. 217

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Chactaw Nation,
of William Arch McCarty (Name must be given in full) born on the 21 day of apr, 1904
Name of Father: Allie McCarty a citizen of the U.S. Nation.
Name of Mother: Rebecca E. McCarty a citizen of the Chactaw Nation.
Postoffice Robertson Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Southern DISTRICT.

I, Rebecca E. Brown McCarty, on oath state that I am 25 years of age and a citizen by Blood of the Chactaw Nation; that I am the lawful wife of Allie McCarty, who is a citizen, by , of the U.S. Nation; that a Male (Male or Female.) child was born to me on 21 day of apr, 1904, that said child has been named William Arche McCarty, said was living March 4, 1905.

Rebecca E. McCarty

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 19 day of apr, 1905.

H. E. Liston
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Southern DISTRICT.

I, J. D. Taylor, Physician, on oath state that I attended on labor Rebecca E. McCarty, wife of Allie McCarty on the 21 day of April, 1904, when she was born to her on said date a male (Male or Female.) child; that said child was living March 4, 1905, and is said to have been named William Arche McCarty

J. D. Taylor M.D.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 21 day of apr, 1905.

H. E. Liston
Notary Public.

O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William B. Brown, et al., as citizens of the Choctaw Nation, consolidating the applications of

William B. Brown, et al.	7-5096,
William N. Brown, et al.	7-5060,
Eli W. Brown, et al.	7-D-432,
Caswell M. Brown, et al.	7-5066,
Andrew J. Peak, et al.	7-5062,
George O. Brown, et al.	7-5095,
James B. Nichols, et al.	7-5100,
John W. B. Nichols, et al.	7-5097,
Orin M. Nichols, et al.	7-5061,
Ona Nichols, et al.	7-D-509.

D E C I S I O N.

It appears from the census card records in this case that on September 22, 1898, application was made to the Commission to the Five Civilized Tribes for the enrollment of William B. Brown (sixty-one years of age), as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his two children, Nancy A. Brown, (twenty-three years of age) and Bettie Brown, now McCarty (nineteen years of age), as citizens by blood of the said nation; on September 22, 1898, for the enrollment of William N. Brown (thirty-nine years of age), and his seven minor children, Sarah Brown, now Johnston (eighteen years of age), Becky Brown (sixteen years of age), Mary Brown, now Johnston (thirteen years of age), Mamie (or Minnie) Brown, now Hudson (eleven years of age), Alice Brown (eight years of age), George Brown (five years of age) and Susie Brown (one year of age), as citizens by blood of the Choctaw Nation, and for the enrollment of Nancy Brown (thirty-six years of age) as a citizen by intermarriage of said nation; on September 2,

1899, for the enrollment of Eli W. Brown (twenty-eight years of age) as a citizen by intermarriage of the Choctaw Nation; on September 22, 1898, for the enrollment of Caswell M. Brown (thirty-four years of age), and his two minor children, Maudie (ten years of age) and Willie Brown (six years of age), as citizens by blood of the Choctaw Nation, and on October 18, 1898, for the enrollment of his wife, Amanda Brown (thirty-one years of age), as a citizen by intermarriage of said nation; on September 22, 1898, for the enrollment of Andrew J. Peek (thirty-two years of age) as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Polly A. Peel (thirty years of age), and his five minor children, Florence (nine years of age), Oscar (seven years of age), Benjamin G. (five years of age), Andrew (three years of age), and Otis Dewey Peek (two months of age), as citizens by blood of said nation; on September 22, 1898, for the enrollment of George G. Brown (twenty-six years of age), and his minor daughter, Willie Emma Brown (three years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Sarah Brown (twenty-one years of age), as a citizen by intermarriage of said nation; on September 22, 1898, for the enrollment of James B. Nichols (forty-eight years of age), and his two minor children, Della, May Nichols, now Scott (fourteen years of age), and Nancy V. Nichols (seven years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Nancy C. Nichols, (forty-two years of age), as a citizen by intermarriage of said nation; on September 22, 1898, for the enrollment of John W. B. Nichols (twenty-four years of age) as a citizen by blood of the Choctaw Nation, and for the enrollment of his wife, Bessie Nichols (eighteen years of age), as a citizen by intermarriage of

said nation; on September 22, 1898, for the enrollment of Orin M. Nichols (forty-four years of age), and his four minor children, James W. (eighteen years of age), Maggie M. (twelve years ofage), Mettie Myrtle (eight years of age), and Lonie A. Nichols (four years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Amanda M. Nichols (thirty-eight years of age), as a citizen by intermarriage of said nation; and on September 26, 1899, for the enrollment of Ona Nichols (seventeen years of age) as a citizen by intermarriage of the Choctaw Nation.

Applications were subsequently made for the enrollment of the following minor applicants as citizens by blood of the Choctaw Nation: On January 20, 1902, for the enrollment of Mary Ethel McCarty (born December 8, 1901); on May 31, 1906, for the enrollment of William A. McCarty (born April 21, 1904) and Ollie McCarty (born February 14, 1906); on October 13, 1900, for the enrollment of William Erman Johnston (born June 30, 1900); on October 19, 1900, for the enrollment of Minnie Gertrude Brown (born August 13, 1900); on May 16, 1901, for the enrollment of Fannie C. Brown (born February 11, 1901); on April 29, 1903, for the enrollment of Oscar Lee Johnston (born November 14, 1902); on April 29, 1903, for the enrollment of Willie Clarence Brown (born April 6, 1903); on July 12, 1902, for the enrollment of Henry Niten Brown, (born May 21, 1902); on April 29, 1903, for the enrollment of Roy Lester Johnston (born October 28, 1903); on May 21, 1906 for the enrollment of Edna Arvel Johnston (born March 21, 1905); on April 14, 1905, for the enrollment of Rubie Dill Brown (born February 12, 1904); in 1899, for the enrollment of Elbert Knightington Brown (born October 8, 1899); on April 7, 1905, for the enrollment of Annie JewellBrown (born December 2, 1902); on December 10, 1901, for the enrollment of Virgie Peek (born October 11, 1901); on April 6, 1905, for the enrollment of Prebble Peek (born February 19, 1904);

on May 21, 1906, for the enrollment of Cassie Brown (born May 30, 1900) and Goldie Brown (born September 5, 1904); on April 17, 1905, for the enrollment of Nema May Scott (born May 15, 1903) and Lita Scott (born February 1, 1906); on September 1, 1900, for the enrollment of Louie Herman Nichols (born August 19, 1900); on December 27, 1 01, for the enrollment of Golda Ula Nichols (born September 15, 1901); on April 1, 1905, for the enrollment of Sylvie Jewel Nichols (born August 26, 1903); on April 14, 1905, for the enrollment of Cora Lee Nichols (born November 6, 1902); on April 6, 1901, for the enrollment of Daphne Myrtle Nichols (born February 20, 1901); and on May 21, 1906, for the enrollment of Teddy Golden Johnston (born June 15, 1905).

It appears from the records of the Commission to the Five Civilized Tribes that on September 9, 1896, in the case entitled "Nancy Cooper, et al. vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 1418), original application was made to said Commission, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321), for admission to citizenship in the Choctaw Nation of the applicants, Nancy A. Brown (as Nancy Alice Brown), Bettie McCarty (as Rebecca Elizabeth Brown), William W. Brown (as William Niten Brown), Sarah Johnston (as Sarah Elizabeth Brown), Becky Brown (as Rebecca Catherine Brown), Mary Brown (as Mary Arrillie Brown), Mamie (or Minnir) Hudson (as Minnie Ann Brown), Alice Brown, George Brown (as George Montgomery Brown), Caswell H. Brown, Maudie Brown (as Mandy E. Brown), Willie Brown (as William G. Brown), Polly A. Peck (as Polly Ann Peck), Florence Peck (as Minnie F. Peck), Oscar Peck (as Oscar S. Peck), Benjamin Peck (as Benjamin G. Peck), Andrew Peck, George G. Brown, Willia Emma Brown, James E. Nichols (as James Bruten Nichols), Della May Scott (as Mary Della May Nichols), Nancy V. (Nannie Velma Nichols),

John W. B. Nichols (as John William Bethmel Nichols), Orin M. Nichols (as Orrin Mayberry Nichols), James W. Nichols (as James Willie Nichols), Maggie M. Nichols (as Maggie May Nichols), Mettie Myrtle Nichols, Lonie A. Nichols (as Lona Alta Nichols), as citizens by blood of said nation, and for the admission of William B. Brown, Nancy J. Brown (as Nancy Jane Brown), Amanda Brown, Andrew J. Peck, (as A. J. Peck), Sarah Brown, Nancy C. Nichols (as Nancy Caroline Nichols), and Amanda M. Nichols (as Amanda Melvina Nichols), as citizens by intermarriage of said nation; and that on December 8, 1896, said Commission rendered its decision therein, denying the application of the above named applicants for enrollment as citizens of the Choctaw Nation.

From the decision of said Commission an appeal was taken to the United States Court for the Southern District of Indian Territory, which court on December 27, 1897, in the case entitled "Nancy J. Cooper, et al. vs. Choctaw Nation" (Southern District Citizenship Case No. 96), admitted Nancy A. Brown (as Nancy Alice Brown), Bettie McCarty (as Bettie Brown), Sarah Johnson (as Sarah Brown), Becky Brown, Mary Brown, Mamie (or Minnie) Hudson (as Mamie Brown), Alice Brown, George Brown, Susie Brown, Caswell M. Brown (as Caswell Marion Brown), Maudie Brown, Willie Brown, Polly A. Peck (as Polly Ann Peck), Florence Peck, Oscar Peck, Benjamin Peck (as Benjamin Grant Peck), Andrew Peck, George G. Brown, Willie Emma Brown, James B. Nichols (as James Bruton Nichols), Della May Scott (as Dell May Nichols), Nancy V. Nichols (as Nancy Velmer Nichols), Orin M. Nichols (as Orin Mayberry Nichols), James W. Nichols (as James Willie Nichols), Maggie M. Nichols (as Maggie May Nichols), Mettie Myrtle Nichols (as Myrtle Nichols), and Lonie A. Nichols (as Lonie Alta Nichols), as citizens by blood of the Choctaw Nation, and William B. Brown (as William Bluford Brown), Andrew J. Peck (as Andrew Jackson Peck), and Nancy C. Nichols (as

Nancy Caroline Nichols), as citizens by intermarriage of said nation, and denied the applications for the admission of Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, and Amanda M. Nichols (as Amanda Melvina Nichols), as citizens by intermarriage of the Choctaw Nation. The name of the applicant, Susie Brown, was interpolated in the judgment of said court, she not having been an applicant before the Commission to the Five Civilized Tribes in 1896.

On March 18, 1898, said cause again came before said court upon a motion of the plaintiff's attorneys to correct the judgment of said court rendered December 20, 1897, and the court, thereupon, ordered said judgment corrected so as to admit the applicants, Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, Amanda M. Nichols (as Amanda Melvina Nichols), as citizens by intermarriage of the Choctaw Nation.

On September 28, 1898, said court rendered a supplemental judgment admitting Amanda Brown as a citizen by intermarriage of the Choctaw Nation.

On January 17, 1900, this cause came before said court upon a motion of the defendant to strike out of the judgment heretofore rendered, certain names improperly admitted to citizenship, and said court being fully advised, ordered that the following names, Susie Brown, Andrew J. Peek as (Andrew Jackson Peek), Bettie McCarty (as Bettie Brown), and Becky Brown, be stricken from said former judgment.

Subsequently, upon the representation of the plaintiff's attorneys that certain persons who were original applicants were by oversight or mistake left out of the original judgment heretofore rendered, the court ordered that the applicants, Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, Amanda Brown, Amanda M. Nichols and Rebecca E. Brown be admitted to citizenship in the

Choctaw Nation.

It further appears from the records of said Commission that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgement of the United States Court for the Southern District of Indian Territory.

Thereafter, the record in the above case was certified to the Choctaw and Chickasaw Citizenship Court, for a trial de novo, which court, on November 29, 1904, in the case entitled, "William Neighton Brown, et al. vs. Choctaw and Chickasaw Nations" (Choctaw Chickasaw Citizenship Court Case No. 73, Tishomingo Docket), "ordered, adjudged and decreed that the petition of the plaintiffs, William Neighton Brown (or William Knighton Brown), Caswell Marion Brown, Polly Ann Peek (nee Brown), George R. Brown (or George G. Brown), Nancy Ellis Brown (or Nancy Alice Brown), Sarah Brown, Mary Brown, Monie Brown (or Mamie Brown), Alice Brown, George Brown, Mondie Brown (or Maudie Brown), Willie Brown, Florence Peck, Oscar Peck, Benjamin Grant Peck, Andrew Peck, William Emma Brown, (or Willie Emma Brown),.....James Burton Nichols, (or James Bruton Nichols), Oney Mayberry Nichols (or Orin Mayberry Nichols), John William Boffle Nichols, Della May Nichols, Nancy Palmer Nichols, Lonie Alta Nichols,.....William Buford Brown, Nancy Caroline Nichols, Rebecca E. Brown (or Becky Brown), Rebecca C. Brown (or Rebecca Brown), Amanda Melvina Nichols, Amanda Brown, Nancy J. Brown (or Nancy Jane Brown), Sarah Brown,.....be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom."

On December 12, 1904, orders were entered of record by the Commission to the Five Civilized Tribes dismissing the applica-

tions for the enrollment of Mary E. McCarty, William Erman Johnston, Minnie Gertrude Brown, Henry Niten Brown, Elbert Knightington Brown, Otis Dewey Peck, Virgie Peck, Louie Herman Nichols and Golda Ula Nichols as citizens by blood of the Choctaw Nation, and on March 18, 1905, an order was entered of record dismissing the application for the enrollment of Fannie C. Brown as a citizen by blood of said nation. All of said applicants were dismissed for the reason that their parents through whom they claim their rights to enrollment as citizens by blood of the Choctaw Nation, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court/

On December 12, 1904, orders were entered of record by the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of Eli W. Brown, Bessie Nichols and Osa Nichols as citizens by intermarriage of the Choctaw Nation, for the reason that the persons through whom they claim their rights had also been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

On March 30, 1905, the Commission to the Five Civilized Tribes denied the application for the enrollment of Susie Brown as a citizen by blood of the Choctaw Nation, and on April 6, 1906 (I.T.D. 3810-1905), the Department set aside said decision of the Commission and returned the record to this office for a full investigation upon its merits.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes of January 2, 1906, there was filed on February 6, 1906, by Cruce, Cruce and Bleakmore, of Ardmore, Indian Territory, attorneys for the petitioners, petitions praying that William B. Brown, Nancy A. Brown, Minnie Hudson, Sarah Johnston, Oscar Lee Johnston, William Erman Johnston, Rebecca Brown, Minnie Gertrude Brown, Henry Niten Brown, Rubie Dill

Brown, Eli W. Brown, Mary A. Johnston, Roy Lester Johnston, Edna A. Johnston, Rebecca McCarty, William A. McCarty, Mary E. McCarty, William N. Brown, Nancy Jane Brown, George Brown, Alice Brown, Susie Brown, Cletus Brown, Clarence Brown, A. J. Peck, Polly Ann Peck, Minnie Peck, Oscar Sherman Peck, Benjamin Grant Peck, Andrew Peck, O. D. Peck, Virgie Peck, Pebble Peck, C. M. Brown, Amanday Brown, Maudy Brown, William Brown, Elbert K. Brown, Annie Jewel Brown, George G. Brown, Sarah Brown, Willie Emma Brown, Cassie Brown, Goldie Brown, J. B. Nichols, Nancy Nichols, Selma Nichols, John W. B. Nichols, Bessie Denton Nichols, Louie Herman Nichols, Golda Eula Nichols, Silva Jewel Nichols, Della May Scott, Nema Scott, Orin M. Nichols, Amanda Nichols, Myrtle Nichols, Lonie Nichols, James W. Nichols, Osa Nichols, Cora Lee Nichols, and Maggie Angel be enrolled as citizens of the Choctaw Nation.

All of the above petitioners, with the exception of Ollie McCarty, Lita Lois Scott, Daphne Myrtle Nichols and Teddy Golden Johnston, are identical with the applicants for whom application has been made for enrollment as citizens of the Choctaw Nation.

On April 16, 1906, the principal petitioners, their attorneys, Cruce, Cruce & Bleakmore, of Ardmore, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, of South McAlester, Indian Territory, were advised that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday, May 14, 1906, at nine o'clock A. M., hear such testimony and receive such other evidence as might be submitted by the petitioners in support of their applications for enrollment as citizens of the Choctaw Nation, and by the attorneys for the

Choctaw and Chickasaw Nations.

On April 16, 1906, William M. Brown, father of Susie Brown, Cruce, Cruce & Bleakmore, attorneys for said Susie Brown, and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, were advised that on April 6, 1906, the Department set aside the decision rendered by the Commission on March 30, 1905, and returned the record in said case with instructions that a full investigation be made of the rights of said Susie Brown to enrollment as a citizen by blood of the Choctaw Nation; that the testimony of creditable witnesses be required showing her Choctaw blood, if any, the time and place of her birth, her various residences, her ancestors, the privileges, if any, enjoyed by her and her parents as citizens of the Choctaw Nation; and notified that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday, May 14, 1906, at nine o'clock A. M., hear such testimony and receive such other evidence as might be submitted in support of said application, investigation to be conducted along the lines indicated by Department letter above referred to.

On Motion of Attorney for applicants, the hearing in the matter of the above application was continued on April 26, 1906, to May 21, 1906.

On May 21, 1906, proceedings were had in the matter of said applications in pursuance to the notice above mentioned.

It appears from the record herein that the applicants, William M. Brown, Caswell M. Brown, Polly Ann Peck, George G. Brown, Nancy A. Brown, and Bettie McCarty, are the children of the principal applicant, William B. Brown, and Rebecca Cooper (now deceased), who is alleged to have been a Choctaw Indian, and the daughter of William Cooper, who was the son of Johnny

Cooper, an alleged Choctaw Indian, who resided near the line between the states of Tennessee and Mississippi; that Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie), Hudson, Alice Brown, George Brown, Susie Brown, Fannie C. Brown and Willie Clarence Brown, are the children of the applicants William N. Brown and Nancy J. Brown, (the latter an applicant for intermarried rights); that William Erman, Oscar Lee and Teddy Golden Johnston are the children of the applicant, Sarah Johnston, and J. A. Johnston, a non-citizen; that Minnie Gertrude, Henry Mitem and Pubie Dill Brown are the children of the applicants, Becky Brown and Eli W. Brown, (the latter an applicant for intermarried rights); that Roy Lester and Edna Arvel Johnston are the children of the applicant, Mary Johnston, and Jace J. Johnston, a non-citizen; that Maudie, Willie, Elbert Knightington, and Annie Jewell Brown, are the children of the applicant, Caswell K. Brown and Amanda Brown (the latter an applicant for intermarried rights); that Florence, Oscar, Benjamin, Andrew, Otis Dewey Virgie and Prebble Peck are the children of the applicant, Polly Ann Peck and Andrew J. Peck (the latter an applicant for intermarried rights); that Willie Emma, Cassie and Goldie Brown are the children of the applicants, George G. Brown and Sarah Brown (the latter an applicant for intermarried rights); that Mary Ethel, William A. and Ollie McCarty are the children of the applicant Bettie McCarty and Oliver McCarty, a non-citizen; that James B. Nichols and Orin W. Nichols are the children of Wilson Nichols (now deceased), a non-citizen, and Delitha Cooper (now deceased), who is alleged to have been a Choctaw Indian and the daughter of John Cooper, above referred to; that John W. B. Nichols, Della May Scott and Nancy V. Nichols are the children of the applicant, James B. Nichols,

and Nancy C. Nichols (the latter an applicant for intermarried rights); that Louie Herman, Golda Ula and Sylvie Jewel Nichols are the children of the applicant, John W. B. Nichols and Bessie Nichols (the latter an applicant for intermarried rights); that Nema May and Lita Lois Scott are the children of the applicant, Della May Scott, and Burris Scott, a non-citizen; that James W., Maggie M., Nettie Myrtle and Lonie A. Nichols are the children of the applicant, Orin M. Nichols and Amanda M. Nichols (the latter an applicant for intermarried rights); and that the applicant, Cora Lee and Daphne Myrtle Nichols, are the children of the applicants, James W. Nichols and Osa Nichols (the latter an applicant for intermarried rights).

The applicant, William B. Brown, claims his right to citizenship in the Choctaw Nation by the virtue of his marriage on February 10, 1858, under the laws of the state of Arkansas, to Becky Cooper (now deceased); that Nancy Brown claims her right to enrollment as a citizen by intermarriage by virtue of her marriage to the applicant, William B. Brown, on September 21, 1879; that Eli W. Brown claims his right to enrollment as a citizen by intermarriage by virtue of his marriage on August 21, 1898, under the laws, customs and usages of the Chickasaw Nation to the applicant, Becky Brown, both of said applicants being at said time residents in good faith of the Chickasaw Nation; that Amanda Brown claims her right to enrollment as a citizen by intermarriage by virtue of her marriage on December 2, 1886, to the applicant, Caswell M. Brown; that Andrew J. Peck claims his right to enrollment as a citizen by intermarriage by virtue of his marriage on December 15, 1887, under the laws of the state of Arkansas to the applicant, Polly A. Peck; that Sarah Brown claims her right to enrollment as a citizen by intermarriage by virtue of her mar-

riage to George G. Brown on June 9, 1895; that the applicant, Nancy C. Nichols, claims her right to enrollment as a citizen by intermarriage by virtue of her marriage to the applicant, James B. Nichols, on March 9, 1873; that the applicant, Bessie Nichols, claims her right to enrollmentas a citizen by intermarriage by virtue of her marriage on September 11, 1898, to the applicant, John W. B. Nichols; that Amanda M. Nichols claims her right to enrollment as a citizen by intermarriage by virtue of her marriage on October 20, 1878, to the applicant, Orin M. Nichols; and that Osa Nichols claims her right to enrollment as a citizen by intermarriage by virtue of her marriage on April 27, 1899, to the applicant, James W. Nichols.

It does not appear from the record herein or from the records in the possession of this office that the applicant, Andrew J. Peck, has ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, nor has said applicant ever been married to Polly Ann Peck, through whom he claims his intermarried rights, by virtue of a license issued by the tribal authorities of either the Choctaw or Chickasaw Nation.

At the hearing before the Commissioner to the Five Civilized Tribes on May 21, 1906, William N. Brown, Caswell M. Brown, James B. Nichols, and Orin M. Nichols testified that in 1894 they, together with the other applicants herein who were living at said time, petitioned the Choctaw Council for admission as citizens of the Choctaw Nation; that no action having been taken thereon, they,

in 1896, appeared before the Choctaw Census Commission and made application to be enrolled upon the 1896 Choctaw Census Roll; and that some time in January, 1897, they received a certificate from the Secretary of the Choctaw Revisory Board, wherein it appeared that they had been enrolled upon the 1896 Choctaw Census Roll. Said applicants further testified that prior to 1896 they had been permitted to issue permits for their tenants, hold lands, and were not subject to any tribal tax which was due from all non-citizens who were engaged in the mercantile business.

On June 4, 1906, John H. Gamblin testified that he was acquainted with the applicants herein, and that in October, 1894, he having business before the Choctaw Council, presented on behalf of the applicants herein who were living at that time, a petition praying that they be admitted as citizens of the Choctaw Nation, and that he does not know what action, if any, was ever taken thereon.

Upon an examination of the tribal rolls of the Choctaw Nation in the possession of this office, it appears that the applicants, William M. Brown, William M. Brown, Nancy J. Brown, Caswell M. Brown, Amanda Brown, Polly Ann Peck, Andrew J. Peck, George G. Brown, Sarah Brown, Nancy A. Brown, Bettie McCarty, Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie) Hudson, Alice Brown, George Brown, Susie Brown, Maudie Brown, Willie Brown, Florence Peck, Oscar Peck, Benjamin Peck, Andrew Peck, James E. Nichols, Nancy C. Nichols, Orin M. Nichols, Amanda M. Nichols, John W. B. Nichols, Dolla Way Scott, Nancy V. Nichols, James W. Nichols, Maggie W. Nichols, Mettie Myrtle Nichols and Lonie A. Nichols, are identified upon the 1896 Choctaw Census Roll opposite numbers 1688, 1691, 1692, 1701, 1702, 10618, 10619, 1705, 1706, 1689, 1690, 1693, 1694, 1695, 1696, 1697, 1698, 1699,

1703, 1704, 10519, 10520, 10521, 10522, 9803, 9808, 9812, 9813, 9809, 9810, 9811, 9814, 9815, 9816, and 9817, respectively.

It further appears from the record herein that all of the applicants that were living on June 28, 1898, were residents in good faith of the Indian Territory on said date.

The evidence in this case further shows that the applicant, Daphne Myrtle Nichols, died on June 27, 1901.

I am of the opinion that in accordance with the opinions of the Assistant Attorney General for the Department of the Interior of February 10, 1905 (I.T. D. 10355-1904) and December 8, 1905 (I.T.D. 3693-1905), in the case of Lula West, the action of the Commission to the Five Civilized Tribes, and the subsequent action of the United States Court for the Southern District of Indian Territory, and the Choctaw and Chickasaw Citizenship Court upon the right of the applicants who applied to the Commission to the Five Civilized Tribes in 1896, with the exception of Andrew J. Peck, was without authority of law, and of no force and effect upon the status of said applicants as citizens of the Choctaw Nation.

I am further of the opinion that the orders of the Commission to the Five Civilized Tribes of December 12, 1904 and March 18, 1905, dismissing the applications for the enrollment of Mary E. McCarty, William Erman Johnston, Minnie Gertrude Brown, Fannie C. Brown, Henry Niten Brown, Elbert Knightington Brown, Otis Dewey Peck, Virgie Peck, Louis Herman Nichols and Golda Ola Nichols as citizens by blood of the Choctaw Nation, and Eli W. Brown, Bessie Nichols and Ora Nichols as citizens by intermarriage of the Choctaw Nation, should be rescinded.

I am further of the opinion that in accordance with the

opinions of the Assistant Attorney General for the Department of the Interior of March 3, 1905 (I.T.D. 187-1905) and March 10, 1906 (I.T.D. 9969-1905), Nancy A. Brown, Bettie McCarty, Mary Ethel McCarty, William N. Brown, Sarah Johnston, Becky Brown, Mar Johnston, Mamie (or Minnie) Hudson, Alice Brown, George Brown, Sesie Brown, William Erman Johnston, Minnie Gertrude Brown, Henry Niten Brown, Fannie C. Brown, Caswell N. Brown, Maudie Brown, Willie Brown, Elbert Knightington Brown, Polly A. Peck, Florence Peck, Oscar Peck, Benjamin Peck, Andrew Peck, Otis Dewey Peck, Virgie Peck, George G. Brown, Willie Emma Brown, James B. Nichols, Della May Scott, Nancy V. Nichols, John W. B. Nichols, Louie Herman Nichols, Goldu Wla Nichols, Orin M. Nichols, James W. Nichols, Maggie M. Nichols, Mattie Myrtle Nichols and Lonie A. Nichols should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that William B. Brown, Nancy Brown, Eli W. Brown, Amanda Brown, Sarah Brown, Nancy C. Nichols, Bessie Nichols, Amanda M. Nichols, and Osa Nichols should be enrolled as citizens by intermarriage of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the application made for the enrollment of Andrew J. Peck as a citizen by intermarriage of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

I am further of the opinion that William A. McCarty, Ollie McCarty, Oscar Lee Johnston, Willie Clarence Brown, Roy Lester Johnston, Edna Arvel Johnston, Teddy Golden Johnston, Rubie Dill Brown, Annie Jewell Brown, Frobbie Peck, Cassie Brown, Goldie Brown, Nema May Scott, Lita Lois Scott, Sylvie Jewel Nichols and Cora Lee Nichols should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (Public No. 129), and it is so ordered.

I am further of the opinion that the application made for the enrollment of Daphne Myrtle Nichols as a citizen by blood of the Choctaw Nation should be dismissed, and it is so ordered.

Tams Bixby,
COMMISSIONER.

Muskogee, Indian Territory,
Aug. 13, 1906.

Muskogee, Indian Territory, May 1, 1905.

Ollie McCarty,

Robberson, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Rebecca E. McCarty and J. S. Taylor to the birth of William Arche McCarty, son of Ollie and Rebecca E. McCarty, April 21, 1904.

It is stated in the affidavit of the mother that she is a citizen by blood of the Choctaw Nation. If this is correct you are requested to state the name under which she was enrolled, the names of her parents, and if she has selected an allotment of the lands of the Choctaw and Chickasaw Nations, give her roll number as the same appears upon her allotment certificate.

Respectfully,

Chairman.

Muskogee, Indian Territory, May 31, 1905.

Ollie McCarty,

Roberson, Indian Territory.

Dear Sir:

Referring to the application for the enrollment of your child, William Archie McCarty, a letter was addressed to you May 1, 1905, asking information which would enable us to identify the mother of this child upon our records.

Before further consideration can be given this application it will be necessary that you give the name under which Rebecca E. McCarty was enrolled, the names of her parents and if she has selected an allotment of the lands of the Choctaw or Chickasaw Nation, give her roll number as the same appears upon her allotment certificate.

Respectfully,

Chairman.

D.C.M. J.W. H.
W.C.R.
J.W.L.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

GWW
File-6-81. March 1, 1909.

The Commissioner
to the Five Civilized Tribes,

Sir:

January 25, 1909, you were advised that the names of certain persons were inadvertently included in Departmental letter of January 19, 1909 (File 6-81); that such mistake was due to the fact that it was supposed they were enrolled upon schedules approved by the Department, when in fact, the only schedules upon which their names appear were disapproved, and that no action should be taken under the circumstances looking to the erasure of interlineations or notations, if any, from the disapproved schedules, in connection with their names.

The names of the persons referred to in said letter of January 25, 1909, are as follows:

Choctaws by Blood:

Roll No.	
16103	Elizabeth Allen.
16112	George A. Bumgarner.
16110	Lautitia Crutchfield.
16105	Everett Crutchfield.

-1-

16111	George W. Crutchfield
16105	Ida Crutchfield,
16107	Ina Crutchfield,
16108	Lewvinia Crutchfield
16109	William Crutchfield,
921	Josephine Laflore Long,
922	Kake Laflore Long.
16104	David Ritter

It now appears from the records of the Secretary's Office that there was a schedule approved May 21, 1904, by the Secretary of the Interior, and that the approval, then given was cancelled by said Secretary at a later date, towit, June 28, 1904.

The name of Elizabeth Allen appears upon the schedule which was approved May 21, 1904, opposite the number 15551. Ida Crutchfield's name appears opposite No. 15553, while the other members of the Crutchfield family were given the numbers immediately following that assigned to her.

You are requested to cause a report to be prepared showing whether the records of your office also show that an earlier schedule containing the names of said persons was approved May 21, 1904; also whether such approval was cancelled June 28, 1904. Please report also the reason for the attempted cancellation, and whether prior notice as given thereof.

It appears further that, in connection with the names of Elizabeth Allen and the Crutchfield family on the roll approved May 31, 1906, the names of Ardella Richman, Ida M. Southard and Grover Randall are also to be found.

In connection with said names, it is desired that you will report what action, in your opinion, should be taken concerning the first of said persons; also whether the said Ida M. Southard and Grover Randall, respectively, are identical with the Ida M. Southard whose name appears opposite No. 18000 in the printed rolls of citizens by blood of the Choctaw Nation, and the Grover Randall whose name appears on page 8 of Departmental letter of January 19, 1909 (File S-61), opposite No. 18926.

As appears from the above list, there were other persons besides the said Allen and Crutchfields whose names were enrolled on schedules which were finally disapproved by the Department: for example, George A. Dangerner, Josephine Laflore Long and Jake Laflore Long.

Please report whether the names of these persons appear upon any prior approved schedule; also why it was that the Commissioner to the Five Civilized Tribes enrolled them upon the schedule which was disapproved by the Department, showing whether the Commissioner enrolled them thereon, of his own motion, or under decision or instructions from the Department.

By comparison of the roll approved May 31, 1906, with the printed rolls of Choctaws by blood, the Department

finds that the numbers appearing thereon opposite the names of said persons were subsequently assigned to other citizens of the Choctaw Nation; thereby the series of roll numbers was kept perfect, but a material portion of the rolls was evidently sacrificed upon the supposition that it had become worthless. Inquiry arises in this connection as to whether there were other approved schedules which were subsequently disapproved and thrown aside. Accordingly, it is desired that you also cause a report to be prepared covering this feature of the matter, showing all persons embraced in similar cases, with recommendation as to what action should be taken as to them. This will necessitate a statement as to why their names were stricken or cancelled from the rolls, and whether such action was taken without prior notice.

There is still another matter concerning which the Department desires report to be made. It is observed that the words "No person enrolled at this number" are to be found not infrequently opposite consecutive numbers on the pages of the printed rolls; and you are requested to advise the Department whether such words were substituted for the names of individuals appearing on disapproved schedules, and if such is the case, whether such disapproved schedules were approved at any time by the Department; also whether favorable decisions were ever rendered by the Department as to such persons prior to their enrollment upon such disapproved schedules.

-4-

For the sake of expedition, a partial report should be rendered at once concerning the said Elizabeth Allen and the various members of the Brotherhood family named above. The other matters referred to herein can be disposed of by subsequent reports.

Very respectfully,
James R. Wilson,
Assistant Secretary.

Through the
Indian Office.

Land
28228-08
17077-08

JPF

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, D.C. Mch. 5, 09

Respectfully referred to the Commissioner to the Five Civilized Tribes, for appropriate action.

John Frances, Jr.
Acting Chief Land Division.

1 letter dated Mch 1, 09.

D 460-1909.

Muskogee, Oklahoma, April 20, 1909.

Subject:

Requesting report relative to petition of Wm. B. Brown, et al. for enrollment as citizens of the Choctaw Nation.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Indian Office letter of April 8, 1909 (Land 23090-1909) transmitting petition of Wm. B. Brown, et al. for enrollment as citizens of the Choctaw Nation. This office is also requested to report specially whether the names of any of the persons in this petition appeared upon any tribal rolls of the Choctaw Nation or upon any roll prepared by the Commission to the Five Civilized Tribes and approved by the Secretary of the Interior.

March 1, 1909, the Department also addressed a letter to this office requesting reports as to all persons whose names may have been upon disapproved schedules and at whose numbers in the printed rolls appears the notation "No person enrolled at this number."

The case of William B. Brown is one of the cases referred to in Departmental letter of March 1, 1909 and the report is made to the Secretary of the Interior, through the Indian Office, with the view of complying with both requests.

I have the honorto report as follows, relative to the case of William B. Brown and the other members of his family who were included in the decision in the consolidated Choctaw case of William B. Brown, et al.:

It appears from the records of this office that on September 9, 1896, in the case entitled Nancy Cooper et al. versus the Choctaw Nation, 1896 Choctaw Citizenship Case Number 1418, original application was made to the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved June 10, 1896 (29 Stat.,321), for admission to citizenship in the Choctaw Nation of the applicants, Nancy A. Brown (as Nancy Alice Brown), Bettie Mc Carty (as Rebecca Elizabeth Brown), William M. Brown (as William Niten Brown), Sarah Johnston (as Sarah Elizabeth Brown), Becky Brown (as Rebecca Catherine Brown), Mary Brown (as Mary Arrillie Brown), Mamie (or Minnie) Madison (as Minnie Ann Brown), Alice Brown, George Brown (as George Montgomery Brown), Caswell M. Brown, Mamdie Brown (as Mandy E. Brown), Willie Brown (as William G. Brown,) Polly A. Peak (as Polly Ann Peak, Florence

Secretary 3

Peck (as Minnie F. Peck), Oscar Peck (as Oscar S. Peck), Benjamin Peck (as Benjamin G. Peck), Andrew Peck, George G. Brown, Willie Emma Brown, James B. Nichols (as James Bruten Nichols), Della May Scott (as Mary Della May Nichols), Nancy V. Nichols (as Nannie Velma Nichols), John W. B. Nichols (as John William Bethuel Nichols), Orin M. Nichols (as Orrin Mayberry Nichols), James W. Nichols (as James Willis Nichols), Maggie M. Nichols (as Maggie May Nichols), Mattie Myrtle Nichols, Lenie A. Nichols (as Lena Alta Nichols), as citizens by blood, and for the admission of William B. Brown, Nancy J. Brown (as Nancy Jane Brown), Amanda Brown, Andrew J. Peck (as A. J. Peck), Sarah Brown, Nancy C. Nichols (as Nancy Caroline Nichols), and Amanda M. Nichols (as Amanda Melvina Nichols), as citizens by intermarriage of said nation; and that on December 8, 1896, said Commission rendered its decision denying the applications for citizenship of the above named persons.

From this decision of the Commission an appeal was taken to the United States Court for the Southern District of Indian Territory, which court on December 20, 1897, in the case entitled Nancy J. Cooper, et al. versus the Choctaw Nation, Case Number 96 on the Citizenship Docket, admitted Nancy A. Brown (as Nancy Alice Brown), Bettie McCarty (as Bettie Brown), Sarah Johnston (as Sarah Brown), Becky Brown,

Mary Brown, Mamie (or Minnie) Hudson (as Mamie Brown), Alice Brown, George Brown, Susie Brown, Caswell M. Brown (as Caswell Marion Brown), Mandie Brown, Willie Brown, Polly A. Peck (as Polly Ann Peck,) Florence Peck, Oscar Peck, Benjamin Peck (as Benjamen Grant Peck), Andrew Peck, George G. Brown, Willie Emma Brown, James B. Nichols (as James Bruten Nichols,) Della May Mott (as Dell May Nichols), Nancy V. Nichols (as Nancy Velmer Nichols), Orin M. Nichols (as Orin Mayberry Nichols), James W. Nichols (as James Willis Nichols), Maggie M. Nichols (as Maggie May Nichols), Mettie Myrtle Nichols (as Myrtle Nichols), and Lonie A. Nichols (as Lonie Rita Nichols) as citizens by blood of the Choctaw Nation, and William B. Brown (as William Bluford Brown), Andrew J. Peck (as Andrew Jackson Peck) and Nancy Nichols (as Nancy Caroline Nichols) as citizens by intermarriage of said nation, and denied the applications for the admission of Nancy J. Brown (as Nancy Jane Brown), Sarah Brown and Amanda M. Nichols (as Amanda Melvina Nichols) as citizens by intermarriage of the Choctaw Nation.

The name of the applicant, Susie Brown, was interpolated in the judgment of said court, she nothaving been an applicant before the Commission to the Five Civilized Tribes in 1896.

March 18, 1906, this case again came before the United States Court upon a motion of the plaintiffs' attorneys to

correct the judgment of said court rendered December 20, 1897, and the court thereupon ordered said judgment corrected so as to admit the applicants, Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, AmandaM. Nichols (as Amanda Melvina Nichols) as citizens by intermarriage of the Choctaw Nation.

September 28, 1898, said court rendered a supplemental judgment admitting Amanda Brown as a citizen by intermarriage of the Choctaw Nation.

January 17, 1900, this cause again came before the court upon a motion of the defendant to strike out of the judgment theretofore rendered certain names improperly admitted to citizenship, and the court ordered that the names of Susie Brown, Andrew J. Peck (as Andrew JacksonPeck), Bettie McCarty (as Bettie Brown), and Becky Brown be stricken from said former judgment.

Subsequently, upon the representation of the plaintiff's attorneys that certain persons who were original applicants were by oversight or mistake left out of the original judgment theretofore rendered, the court ordered that the applicants, Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, Amanda Brown, Amanda M. Nichols and Rebecca E. Brown be admitted to citizenship in the Choctaw Nation.

December 17, 1902, the Choctaw and Chickasaw citizenship

Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stat.,641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Southern District of the Indian Territory.

The record in this case was subsequently certified to the Choctaw and Chickasaw Citizenship Court for a trial de novo, which court, November 29, 1904, in the case entitled William Neighton Brown, et al. versus the Choctaw and Chickasaw Nations, Number 73 on the Tishomingo Docket, ordered, adjudged and decreed that the petition of the plaintiffs be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom.

December 12, 1904, orders were entered of record by the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of Mary E. McCarty, William Erman Johnston, Minnie Gertrude Brown, Henry Hilton Brown, Hbert Knightington Brown, Otis Dewey Peck, Virgie Peek, Louis Herman Nichols and Golda Ula Nichols as citizens by blood of the Choctaw Nation and March 18, 1905, an order was entered of record dismissing the application for the enrollment of Fannie C. Brown as a citizen by blood of said nation

Secretary 7

for the reason that the parents of these children had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

December 12, 1904, orders were entered of record by the Commission dismissing the applications for the enrollment of Eli W.Brown, Bessie Nichols and Osa Nichols as citizens by intermarriage of the Choctaw Nation for the reason that the persons through whom they claimed their rights had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

March 30, 1905, the Commission to the Five Civilized Tribes denied the application for the enrollment of Susie Brown as a citizen by blood of the Choctaw Nation, and on April 6, 1905 (I T D 3810-1905) the Department set aside this decision of the Commission and returned the record to this office forinvestigation upon its merits.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes of January 2, 1906, there were filed on February 6, 1906, by Cruce, Cruce & Blackmore, attorneys for the petitioners, Ardmore, Indian Territory, petitions praying that William B. Brown, Nancy A. Brown, Minnie Hudson, Sarah Johnston, Oscar Lee Johnston, William Erman Johnston, Rebecca Brown, Minnie Gertrude Brown, Henry

Secretary's

Witten Brown, Rubie Dill Brown, Eli W. Brown, Mary A. Johnston, Roy Lester Johnston, Edna A. Johnston, Rebecca McCarty, William A. McCarty, Mary E. McCarty, William M. Brown, Nancy Jane Brown, George Brown, Alice Brown, Susie Brown, Cletus Brown, Clarence Brown, A. J. Peck, Polly Ann Peck, Minnie Peck, Oscar Sherman Peck, Benjamin Grant Peck, Andrew Peck, O. D. Peck, Virgie Peck, Prebble Peck, C. M. Brown, Amanday Brown, Mandy Brown, William Brown, Elbert K. Brown, Annie Jewel Brown, George G. Brown, Sarah Brown, Willie Emma Brown, Cassie Brown, Goldie Brown, J. B. Nichols, Nancy Nichols, Selma Nichols, John W. B. Nichols, Bessie Deaton Nichols, Louie Herman Nichols, Golda Eula Nichols, Silva Jewel Nichols, Della May Scott, Nema Scott, Orin M. Nichols, Amanda Nichols, Myrtle Nichols, Lonie Nichols, James W. Nichols, Osa Nichols, Cora Lee Nichols and Maggie Angel be enrolled as citizens of the Choctaw Nation.

April 16, 1906, the principal petitioners, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations, were advised that a hearing would be had in this matter at the office of the Commissioner to the Five Civilized Tribes, Muskogee, Indian Territory, Monday, May 14, 1906, at nine o'clock A. M. and on the same date, William M. Brown, father of Susie Brown, Grace, Grace & Blackmore, and Mans-

Secretary 9

field, McMurray & Cornish, were advised that on April 6, 1906, the Department had set aside the decision of the Commission to the Five Civilized Tribes of March 30, 1905, and returned the record with instructions that a full investigation be made of the rights of the said Susie Brown to enrollment as a citizen by blood of the Choctaw Nation, and that such testimony and evidence would be received at the date of the hearing on the petition.

On Motion of attorneys for applicants the hearing was continued until May 21, 1906, on which date proceedings were had in the matter of said petition in pursuance to the notices above mentioned.

At the hearing William N. Brown, Caswell M. Brown, James B. Nichols and Orin M. Nichols testified that in 1894, they, together with the other applicants herein who were living at that time, petitioned the Choctaw Council for admission as citizens of the Choctaw Nation; that no action having been taken by the Council as to their case they, in 1896, appeared before the Choctaw Census Commission and made application to be enrolled upon the 1896 Choctaw Census Roll; that some time in January, 1897, they received a certificate from the Secretary of the Choctaw Revisory Board, wherein it appeared that they had been enrolled upon the 1896 Choctaw Census Roll,

It appears that the applicants, William B. Brown, William M. Brown, Nancy J. Brown, Caswell M. Brown, Amanda Brown, Polly Ann Peck, Andrew J. Peck, George G. Brown, Sarah Brown, Nancy A.Brown, Bettie McCarty , Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie) Hudson, Alice Brown, George Brown, Susie Brown, Mandie Brown, Willie Brown, Florence Peck, Oscar Peck, Benjamin Peck, Andrew Peck, James B. Nichols, Nancy C. Nichols, Orin M. Nichols, AmandaM. Nichols, John W. B. Nichols, Della May Scott, Nancy V. Nichols, James W. Nichols, Maggie M. Nichols, Nettie Myrtle Nichols and Lonie A. Nichols are identified upon the 1896 Census Roll of the Choctaw Nation, Blue County.

August 13, 1906, the Commissioners to the Five Civilized Tribes rendered a decision, in accordance with the opinion of the Assistant Attorney General for the Department of the Interior of February 10, 1906(I T D 10353-1904) and December 8, 1906 (I T D 3693-1905) in the case of Lula West, holding that the action of the Commission to the Five Civilized Tribes and the subsequent action of the United States Court for the Southern District of Indian Territory and the Choctaw and Chickasaw Citizenship Court upon the right of the applicants who applied to said Commission in 1896, with the exception of Andrew J. Peck, was without authority of law,

and of no force and effect upon the status of said applicants as citizens of the Choctaw Nation.

He also rescinded the orders of the Commission to the Five Civilized Tribes of December 12, 1904, and March 18, 1905, dismissing the applications for the enrollment of Mary E. Mc Carty, William Erman Johnston, Minnie Gertrude Brown, Fannie C. Brown, Henry Niten Brown, Elbert Knightington Brown, Otis Dewey Peck, Virgie Peck, Louie Herman Nichols and Golda Ula Nichols as citizens by blood of the Choctaw Nation and Eli W. Brown, Bessie Nichols and Osa Nichols as citizens by intermarriage of the Choctaw Nation.

The Commissioner to the Five Civilized Tribes further held, in accordance with the opinions of the Assistant Attorney General for the Department of the Interior of March 3, 1905 (I T D 167-1905) and March 10, 1906 (I T D 9969-1905) that Nancy A. Brown, Bettie McCarty, Mary Ethel McCarty, William H. Brown, Sarah Johnston, Becky Brown, Mary Johnston, Maudie (or Minnie) Hudson, Alice Brown, George Brown, Susie Brown, William Erman Johnston, Minnie Gertrude Brown, Henry Niten Brown, Fannie W. Brown, Caswell H. Brown, Maudie Brown, Willie Brown, Elbert Knightington Brown, Polly A. Peck, Florence Peck, Oscar Peck, Benjamin Peck, Andrew Peck, Otis Dewey

Secretary M

Peck, Virgie Peck, George C. Brown, Willie Emma Brown, James E. Nichols, Delia May Scott, Nancy V. Nichols, John W. B. Nichols, Louie Herman Nichols, Golda Ula Nichols, Orin M. Nichols, James W. Nichols , Maggie M. Nichols, Mettie Myrtle Nichols and Lonie A. Nichols should be enrolled as citizens by blood and William B. Brown, Nancy Brown, Eli W. Brown, Amanda Brown, Sarah Brown, Nancy C. Nichols, Bessie Nichols, Amanda M. Nichols and Osa Nichols as citizens by intermarriage of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stat.,495) and July 1, 1902 (32 Stat.,641).

The applications for the enrollment of William A. McCarty, Ollie McCarty, Oscar Lee Johnston, Willie Clarence Brown, Roy Lester Johnston, Edna Arvel Johnston, Teddy Golden Johnston, Rubie Dill Brown, Annie Jewell Brown, Prebble Peck, Cassie Brown, Goldie Brown, Nema May Scott, Lita Lois Scott, Sylvia Jewel Nichols and Cora Lee Nichols were also granted under the provisions of the Act of Congress approved April 26, 1906 (34 Stat.,137).

The application for the enrollment of Andrew J. Peck as a citizen by intermarriage was denied and the application for the enrollment of Euphme Myrtle Nichols as a citizen by blood of the Choctaw Nation was dismissed.

Secretary/18

August 14, 1906, the record in this case, together with the decision of August 13,1906, was transmitted to the Department.

February 7, 1907, there were transmitted to the Secretary of the Interior schedules of citizens by blood and marriage of the Choctaw Nation containing the names of the persons who were favorably passed upon by the Commissioner to the Five Civilized Tribes August 13, 1906, in the Choctaw enrollment case of William B. Brown, et al., as follows:

Citizens by blood	Nos. 16121 to 16159, inclusive
Citizens by marriage	Nos. 1637 to 1645, inclusive
Minor citizens by blood	Nos 857 to 872, inclusive

This case was analogous to the case of Mattie Shockley, et al. (Loula West case) in which this office had been directed to suspend action until the Attorney General had passed upon the questions involved in that case, but inasmuch as the time within which persons could be enrolled and their enrollment approved by the Secretary of the Interior under the provisions of the Act of Congress approved April 26, 1906, was becoming very short, the schedules above described were prepared by this office without waiting for the opinion of the Attorney General and were forwarded to the Department in order that, if the opinion of the Attorney General were favorable, the rights of these applicants might be protected without

delay, and this office requested, in the event of such favorable opinion of the Attorney General, that these schedules be approved by the Secretary of the Interior.

February 26, 1907, referring to Departmental letter of February 23, 1907 (I T D 4564-1907) requesting this office to forward a list of those persons whose enrollment should be cancelled in view of the opinion of the Attorney General of February 19, 1907 in the Choctaw enrollment cases of Loula West and William C.Thompson , the Commissioner to the Five Civilized Tribes called the attention of the Department to the schedules above described which were forwarded February 7, 1907, and advised that this case was analogous to the case of Loula West. It was, therefore, recommended that the decision of August 13, 1906, be not approved by the Department and that the schedules transmitted with office letter of February 7, 1907, be disapproved by the Secretary of the Interior.

February 28, 1907 (Land 71868-1906,2220,14412-1907) the Indian Office forwarded to the Department the record in the case of William B. Brown, et al. together with the schedules transmitted February 7, 1907, and recommended, in view of the opinion of the Attorney General of February 19, 1907, that the decision of the Commissioner of August 13, 1906, in

so far as it was favorable to the applicants, be reversed and the schedules disapproved, which was done by the Department March 1, 1907 (I T D 5742-1907).

This office has no record of any favorable decision of the Department as to the persons included in this consolidated case.

No formal allotments were made to the persons included in this case but applications were made on their behalf for certain lands which were involved in Chickasaw contest cases. Subsequent to March 4, 1907, these contests were dismissed and on August 31, 1907, a motion to reinstate said contests was denied.

August 29, 1907, the Department advised this office that by letter of August 4, 1907, counsel for the claimants in the case of William B. Brown, et al. requested that the order of the Department of June 14, 1907, in the case of William C. Thompson and others, suspending action on claims to allotments of lands be made applicable to them.

September 30, 1907, this office reported that it did not appear that the claimants in the case of William B. Brown, et al. possessed the same status as the claimants in the case of William C. Thompson, et al. as their names had never been upon an approved roll, but that it appeared they occupied

the same status as the persons included in the case of John H. Gamblin and the case of Angus A. Spring.

October 12, 1907 (I T 77803-1907) the Indian Office held that the action of the Commissioner to the Five Civilized Tribes in dismissing the contests on behalf of these claimants, and in refusing to reinstate the same, was proper and recommended that he be advised that all applications for allotments on behalf of these persons should be denied and this recommendation was approved by the Department October 14, 1907.

Following these instructions of the Department the lands in contest were awarded to the contestees, and patents therefor were recorded and delivered to them. It is believed, therefore, that these persons, in the event of a favorable decision relative to their enrollment, could not recover the land referred to, and if they are holding or claiming other land this office has no record of such claim.

If they are nowin possession of other lands in the Choctaw and Chickasaw Nations, this office will , however, upon the receipt of descriptions thereof, make a record of their claim to the land, pending further action by the Department.

I have further to report that the record in this case is full and complete and it is believed the applicants could

add nothing material thereto at this time, and that it would work an unjustifiable hardship upon them to notify them now to appear and give further testimony in this case and force upon them the expense of a hearing at this office.

I have not, therefore, forwarded the notices referred to in Departmental letter of March 15, 1909 and Indian Office letter of April 9, 1909, but will await specific instructions from the Department as to its wishes in the matter in accordance with my request of April 14, 1909, in the Mattie Shockley case.

If it is the desire of the Department that notices be forwarded in this case, however, this office will proceed to notify the applicants thereof immediately upon receipt of advice from the Department and will make supplemental report after their replies have been received.

The petition inclosed with Indian Office letter of April 9, 1909, is herewith returned.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.
AB

Muskogee, Oklahoma, June 28, 1909.

Bettie McCarty,

Tussy, Oklahoma.

Dear Madam:

You are hereby notified that on June 15, 1909, the Secretary of the Interior held that the Choctaw enrollment case of William B. Brown, et al., with which your case was consolidated was not analogous to that of John E. Goldsby (211 U. S. 249) and declined to take any action looking to the enrollment of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in said Goldsby case.

Respectfully,

WHA-KB.

Commissioner.

Choc. Minor 917

Oscar Lee Johnston
Teddy Golden Johnston

M917

Aug. 13, 1906 Granted

March 1, 1907 Decision of Commissioner revised by Dept. and schedule Containing names of applicants disapproved.

March 1, 1909 Dept. requests report.

April 20, 1909 Report to Dept.

June 15, 1909 Dept. holds case is not analogous to Goldsby case and declines to take action looking to enrollment of applicants

June 29, 1909 Parties notified.

1 End #37 1

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Duncan, Indian Territory.
May 9, 1906.

-oOo-

In the matter of the application for the enrollment of Teddy Golden Johnston as a citizen by blood of the Choctaw Nation.

-oOo-

Sarah E. Johnston, after being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER

Q What is your name? A Sarah E. Johnston.
Q What is your age and post office address? A I am twenty-five, post office is Comanche, Indian Territory.
Q Have you an application pending before the Commissioner to the Five Civilized Tribes for enrollment as a Choctaw by Blood? A Yes, sir.
Q What is your father's name? A William N. Brown.
Q What is the name of your mother? A Nancy J. Brown.
Q Do both of your parents claim rights as Choctaws by blood? A Mother doesn't; she is intermarried. My father is a citizen by blood.
Q Are you the mother of this child, Teddy Golden Johnston? A Yes, sir
Q Have you any other children? A Yes, sir; two.
Q Have you made application for their enrollment? A Yes, sir.
Q This child Teddy Golden Johnston is the only one of your children for whom application has not been made, is he not? A Yes, sir.
Q That is Teddy Golden Johnston in front of me is it? A Yes, sir.
Q Who is the father of this child? A J. A. Johnston.
Q Does he claim rights to enrollment? A No, sir; he is a white man.

Witness excused.

Vester W. Rose on oath states that, as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled case on the 9th day of May, 1906, and that the same is a true and correct transcript of his stenographic notes thereof.

Vester W. Rose

Subscribed and sworn to before me this 9th day of May, 1906.

A. Commingford
Notary Public.

NEW BORN

End 38 ✓

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Teddy Golden Johnston

as a citizen of

Choctaw Nation.

Approved..... 190...

.....

Commissioner.

Born June 15, 1905.

ACT OF CONGRESS APPROVED APRIL 26, 1906.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

MAY 15 1906

COMMISSIONER

CHOCTAW

7-5060

RECEIVED

Duncan I. T May 9 1906

23-917

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Encl. # 35

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation Nation,

of Teddy Golden Johnston [Here insert name of child], born on the 15 day of June 1905.

Name of Father: J. A. Johnston a citizen of the U. S Nation.

Name of Mother: Sarah E Johnston a citizen of the Choctaw, Nation.

Tribal enrollment of father None Tribal enrollment of mother Court Citizen

Mother Sarah E Johnston daughter of William H. Brown C. C. C. Card #

Postoffice Comanche I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, Southern District.

I, Sarah E. Johnston, on oath state that I am 25 years of age and a citizen by blood, of the Choctaw Nation; that I am the lawful wife of J. A. Johnston, who is a citizen, by ....., of the U. S. Nation; that a male [Male or Female] child was born to me on 15 day of June, 1905.; that said child has been named Teddy Golden Johnston, and was living March 4, 1906. and is now present.

Sarah E. Johnston

WITNESSES TO MARK:

[Must be Two Witnesses] .....

.....

Subscribed and sworn to before me this 9 day of May 1906.

D. Conway Lloyd

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, Southern District.

I, H. A. Conger, a physician, on oath state that I attended on Mrs Sarah E Johnston, wife of J. A. Johnston on the 15 day of June, 1905.; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Teddy Golden Johnston

H. A. Conger M D

WITNESSES TO MARK:

[Must be Two Witnesses] .....

.....

Subscribed and sworn to before me this 9 day of May 1906.

D. Conway Lloyd

Notary Public.

O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William B. Brown, et al., as citizens of the Choctaw Nation, consolidating the applications of

William B. Brown, et al.	7-5096,
William N. Brown, et al.	7-5060,
Eli W. Brown, et al.	7-D-432,
Caswell M. Brown, et al.	7-5066,
Andrew J. Peck, et al.	7-5062,
George G. Brown, et al.	7-5095,
James B. Nichols, et al.	7-5100,
John W. B. Nichols, et al.	7-5097,
Orin M. Nichols, et al.	7-5061,
Osa Nichols, et al.	7-D-509.

D E C I S I O N.

It appears from the census card records in this case that on September 22, 1898, application was made to the Commission to the Five Civilized Tribes for the enrollment of William B. Brown (sixty-one years of age), as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his two children, Nancy A. Brown, (twenty-three years of age) and Bettie Brown, now McCarty (nineteen years of age), as citizens by blood of the said nation; on September 22, 1898, for the enrollment of William N. Brown (thirty-nine years of age), and his seven minor children, Sarah Brown, now Johnston (eighteen years of age), Becky Brown (sixteen years of age), Mary Brown, now Johnston (thirteen years of age), Mamie (or Minnie) Brown, now Hudson (eleven years of age), Alice Brown (eight years of age), George Brown (five years of age) and Susie Brown (one year of age), as citizens by blood of the Choctaw Nation, and for the enrollment of Nancy Brown (thirty-six years of age) as a citizen by intermarriage of said nation; on September 8,

1899, for the enrollment of Eli W. Brown (twenty-eight years of age) as a citizen by intermarriage of the Choctaw Nation; on September 22, 1898, for the enrollment of Caswell M. Brown (thirty-four years of age), and his two minor children, Maudie (ten years of age) and Willie Brown (six years of age), as citizens by blood of the Choctaw Nation, and on October 18, 1898, for the enrollment of his wife, Amanda Brown (thirty-one years of age), as a citizen by intermarriage of said nation; on September 22, 1898, for the enrollment of Andrew J. Peck (thirty-two years of age) as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Polly A. Peel (thirty years of age), and his five minor children, Florence (nine years of age), Oscar (seven years of age), Benjamin G. (five years of age), Andrew (three years of age), and Otis Dewey Peck (two months of age), as citizens by blood of said nation; on September 22, 1898, for the enrollment of George G. Brown (twenty-six years of age), and his minor daughter, Willie Emma Brown (three years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Sarah Brown (twenty-one years of age), as a citizen by intermarriage of said nation; on September 22, 1898, for the enrollment of James R. Nichols (forty-eight years of age), and his two minor children, Della, May Nichols, now Scott (fourteen years of age), and Nancy V. Nichols (seven years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Nancy C. Nichols, (forty-two years of age), as a citizen by intermarriage of said nation; on September 22, 1898, for the enrollment of John W. B. Nichols (twenty-four years of age) as a citizen by blood of the Choctaw Nation, and for the enrollment of his wife, Bessie Nichols (eighteen years of age), as a citizen by intermarriage of

said nation; on September 22, 1898, for the enrollment of Orin M. Nichols (forty-four years of age), and his four minor children, James W. (eighteen years of age), Maggie M. (twelve years ofage), Nettie Myrtle (eight years of age), and Lenie A. Nichols (four years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Amanda M. Nichols (thirty-eight years of age), as a citizen by intermarriage of said nation; and on September 25, 1899, for the enrollment of Osa Nichols (seventeen years of age) as a citizen by intermarriage of the Choctaw Nation.

Applications were subsequently made for the enrollment of the following minor applicants as citizens by blood of the Choctaw Nation: On January 20, 1902, for the enrollment of Mary Ethel McCarty (born December 8, 1901); on May 31, 1906, for the enrollment of William A. McCarty (born April 21, 1904) and Ollie McCarty (born February 14, 1906); on October 13, 1900, for the enrollment of William Ernest Johnston (born June 30, 1900); on October 19, 1900, for the enrollment of Minnie Gertrude Brown (born August 13, 1900); on May 16, 1901, for the enrollment of Fannie C. Brown (born February 11, 1901); on April 29, 1905, for the enrollment of Oscar Lee Johnston (born November 14, 1902); on April 29, 1905, for the enrollment of Willie Clarence Brown (born April 8, 1903); on July 12, 1902, for the enrollment of Henry Hiten Brown, (born May 21, 1902); on April 29, 1905, for the enrollment of Roy Lester Johnston (born October 28, 1903); on May 21, 1906 for the enrollment of Edna Arvel Johnston (born March 21, 1905); on April 14, 1905, for the enrollment of Rubie Bill Brown (born February 12, 1904); in 1899, for the enrollment of Elbert Knightington Brown (born October 8, 1899); on April 7, 1905, for the enrollment of Annie JewellBrown (born December 2, 1902); on December 10, 1901, for the enrollment of Virgie Peek (born October 11, 1901); on April 8, 1905, for the enrollment of Prebble Peek (born February 19, 1904);

on May 21, 1906, for the enrollment of Cassie Brown (born May 30, 1900) and Goldie Brown (born September 8, 1904); on April 17, 1905, for the enrollment of Nema May Scott (born May 15, 1903) and Lita Scott (born February 1, 1906); on September 1, 1900, for the enrollment of Louie Herman Nichols (born August 19, 1900); on December 27, 1901, for the enrollment of Gelda Ula Nichols (born September 15, 1901); on April 1, 1905, for the enrollment of Sylvia Jewel Nichols (born August 26, 1903); on April 14, 1905, for the enrollment of Cora Lee Nichols (born November 6, 1902); on April 6, 1901, for the enrollment of Daphne Myrtle Nichols (born February 20, 1901); and on May 21, 1906, for the enrollment of Teddy Golden Johnston (born June 15, 1905).

It appears from the records of the Commission to the Five Civilized Tribes that on September 9, 1896, in the case entitled "Nancy Cooper, et al. vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 1418), original application was made to said Commission, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321), for admission to citizenship in the Choctaw Nation of the applicants, Nancy A. Brown (as Nancy Alice Brown), Bettie McCarty (as Rebecca Elizabeth Brown), William F. Brown (as William Niten Brown), Sarah Johnston (as Sarah Elizabeth Brown), Becky Brown (as Rebecca Catherine Brown), Mary Brown (as Mary Arrillie Brown), Mamie (or Minnie) Hudson (as Minnie Ann Brown), Alice Brown, George Brown (as George Montgomery Brown), Caswell W. Brown, Maudie Brown (as Mandy E. Brown), Willie Brown (as William G. Brown), Polly A. Peck (as Polly Ann Peck), Florence Peck (as Minnie F. Peck), Oscar Peck (as Oscar S. Peck), Benjamin Peck (as Benjamin O. Peck), Andrew Peck, George G. Brown, Willie Emma Brown, James B. Nichols (as James Bruten Nichols), Della May Scott (as Mary Della May Nichols), Nancy V. (Mannie Velma Nichols),

John W. B. Nichols (as John William Bethmel Nichols), Orin M. Nichols (as Orrin Maybery Nichols), James W. Nichols (as James Willie Nichols), Maggie M. Nichols (as Maggie May Nichols), Mettie Myrtle Nichols, Lenie A. Nichols (as Lena Alta Nichols), as citizens by blood of said nation, and for the admission of William B. Brown, Nancy J. Brown (as Nancy Jane Brown), Amanda Brown, Andrew J. Peek, (as A. J. Peek), Sarah Brown, Nancy C. Nichols (as Nancy Caroline Nichols), and Amanda M. Nichols (as Amanda Melvina Nichols), as citizens by intermarriage of said nation; and that on December 8, 1896, said Commission rendered its decision therein, denying the application of the above named applicants for enrollment as citizens of the Choctaw Nation.

From the decision of said Commission an appeal was taken to the United States Court for the Southern District of Indian Territory, which court on December 27, 1897, in the case entitled "Nancy J. Cooper, et al. vs. Choctaw Nation" (Southern District Citizenship Case No. 96), admitted Nancy A. Brown (as Nancy Alice Brown), Bettie McCarty (as Bettie Brown), Sarah Johnson (as Sarah Brown), Becky Brown, Mary Brown, Mamie (or Minnie) Hudson (as Mamie Brown), Alice Brown, George Brown, Annie Brown, Caswell M. Brown (as Caswell Marion Brown), Maudie Brown, Willie Brown, Polly A. Peek (as Polly Ann Peek), Florence Peek, Oscar Peek, Benjamin Peek (as Benjamin Grant Peek), Andrew Peek, George C. Brown, Willie Emma Brown, James B. Nichols (as James Bruton Nichols), Della May Scott (as Dell May Nichols), Nancy V. Nichols (as Nancy Velmer Nichols), Orin V. Nichols (as Orin Mayberry Nichols), James W. Nichols (as James Willie Nichols), Maggie M. Nichols (as Maggie May Nichols), Mettie Myrtle Nichols (as Myrtle Nichols), and Lenie A. Nichols (as Lenie Alta Nichols), as citizens by blood of the Choctaw Nation, and William B. Brown (as William Bluford Brown), Andrew J. Peek (as Andrew Jackson Peek), and Nancy C. Nichols (as

Nancy Caroline Nichols), as citizens by intermarriage of said nation, and denied the applications for the admission of Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, and Amanda M. Nichols (as Amanda Melvina Nichols), as citizens by intermarriage of the Choctaw Nation. The name of the applicant, Susie Brown, was interpolated in the judgment of said court, she not having been an applicant before the Commission to the Five Civilized Tribes in 1896.

On March 18, 1898, said case again came before said court upon a motion of the plaintiff's attorneys to correct the judgment of said court rendered December 20, 1897, and the court, thereupon, ordered said judgment corrected so as to admit the applicants, Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, Amanda M. Nichols (as Amanda Melvina Nichols), as citizens by intermarriage of the Choctaw Nation.

On September 28, 1898, said court rendered a supplemental judgment admitting Amanda Brown as a citizen by intermarriage of the Choctaw Nation.

On January 17, 1900, this cause came before said court upon a motion of the defendant to strike out of the judgment theretofore rendered, certain names improperly admitted to citizenship, and said court being fully advised, ordered that the following names, Susie Brown, Andrew J. Peek as (Andrew Jackson Peek), Bettie McCarty (as Bettie Brown), and Becky Brown, be stricken from said former judgment.

Subsequently, upon the representation of the plaintiff's attorneys that certain persons who were original applicants were by oversight or mistake left out of the original judgment theretofore rendered, the court ordered that the applicants, Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, Amanda Brown, Amanda M. Nichols and Rebecca E. Brown be admitted to citizenship in the

Choctaw Nation.

It further appears from the records of said Commission that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgement of the United States Court for the Southern District of Indian Territory?

Thereafter, the record in the above case was certified to the Choctaw and Chickasaw Citizenship Court, for a trial de novo, which court, on November 29, 1904, in the case entitled, "William Neighton Brown, et al. vs. Choctaw and Chickasaw Nations" (Choctaw Chickasaw Citizenship Court Case No. 73, Tishomingo Docket), "ordered, adjudged and decreed that the petition of the plaintiffs, William Neighton Brown (or William Knighton Brown), Caswell Marion Brown, Polly Ann Peek (nee Brown), George B. Brown (or George G. Brown), Nancy Ellis Brown (or Nancy Alice Brown), Sarah Brown, Mary Brown, Mamie Brown (or Mamie Brown), Alice Brown, George Brown, Maudie Brown (or Maudie Brown), Willie Brown, Florence Peek, Oscar Peek, Benjamin Grant Peek, Andrew Peek, William Emma Brown, (or Willie Emma Brown),.....James Burton Nichols, (or James Bruton Nichols), Oney Mayberry Nichols (or Orin Mayberry Nichols), John William Beffle Nichols, Della May Nichols, Nancy Velmer Nichols, Lonie Alta Nichols,.....William Buford Brown, Nancy Caroline Nichols, Rebecca E. Brown (or Becky Brown), Rebecca C. Brown (or Rebecca Brown), Amanda Melvina Nichols, Amanda Brown, Nancy J. Brown (or Nancy Jane Brown), Sarah Brown,.....be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom."

On December 18, 1904, orders were entered of record by the Commission to the Five Civilized Tribes dismissing thed applica-

tions for the enrollment of Mary E. McCarty, William Erman Johnston, Minnie Gertrude Brown, Henry Niten Brown, Elbert Knighting-ton Brown, Otis Dewey Peck, Virgie Peck, Louie Herman Nichols and Golda Ula Nichols as citizens by blood of the Choctaw Nation, and on March 18, 1905, an order was entered of record dismissing the application for the enrollment of Fannie C. Brown as a citizen by blood of said nation. All of said applicants were dismissed for the reason that their parents through whom they claim their rights to enrollment as citizens by blood of the Choctaw Nation, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

On December 12, 1904, orders were entered of record by the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of Eli W. Brown, Bessie Nichols and Ona Nichols as citizens by intermarriage of the Choctaw Nation, for the reason that the persons through whom they claim their rights had also been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

On March 30, 1905, the Commission to the Five Civilized Tribes denied the application for the enrollment of Susie Brown as a citizen by blood of the Choctaw Nation, and on April 6, 1906 (I.T.D. 3910-1905), the Department set aside said decision of the Commission and returned the record to this office for a full investigation upon its merits.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes of January 2, 1906, there was filed on February 6, 1906, by Cruce, Cruce and Bleakmore, of Ardmore, Indian Territory, attorneys for the petitioners, petitions praying that William B. Brown, Nancy A. Brown, Minnie Hudson, Sarah Johnston, Oscar Lee Johnston, William Erman Johnston, Rebecca Brown, Minnie Gertrude Brown, Henry Niten Brown, Rubie Dill

Brown, Eli W. Brown, Mary A. Johnston, Rev Lester Johnston, Edna A. Johnston, Rebecca McCarty, William A. McCarty, Mary E. McCarty, William E. Brown, Nancy Jane Brown, George Brown, Alice Brown, Susie Brown, Cletus Brown, Clarence Brown, A. J. Peck, Polly Ann Peck, Minnie Peck, Oscar Sherman Peck, Benjamin Grant Peck, Andrew Peck, O. D. Peck, Virgie Peck, Prebble Peck, C. M. Brown, Amanday Brown, Maudy Brown, William Brown, Albert M. Brown, Annie Jewel Brown, George G. Brown, Sarah Brown, Willie Emma Brown, Cassie Brown, Goldie Brown, J. B. Nichols, Nancy Nichols, Selma Nichols, John W. M. Nichols, Bessie Denton Nichols, Louie Herman Nichols, Golda Eula Nichols, Silva Jewel Nichols, Della May Scott, Nema Scott, Orin M. Nichols, Amanda Nichols, Myrtle Nichols, Lonie Nichols, James W. Nichols, Osa Nichols, Cora Lee Nichols, and Maggie Angel be enrolled as citizens of the Choctaw Nation.

All of the above petitioners, with the exception of Ollie McCarty, Lita Lois Scott, Daphne Myrtle Nichols and Teddy Golden Johnston, are identical with the applicants for whom application has been made for enrollment as citizens of the Choctaw Nation.

On April 16, 1906, the principal petitioners, their attorneys, Cruce, Cruce & Blakemore, of Ardmore, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, of South McAlester, Indian Territory, were advised that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday, May 14, 1906, at nine o'clock A. M., hear such testimony and receive such other evidence as might be submitted by the petitioners in support of their applications for enrollment as citizens of the Choctaw Nation, and by the attorneys for the

Choctaw and Chickasaw Nations.

On April 16, 1906, William M. Brown, father of Susie Brown, Cruce, Cruce & Bleakmore, attorneys for said Susie Brown, and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, were advised that on April 6, 1906, the Department set aside the decision rendered by the Commission on March 30, 1905, and returned the record in said case with instructions that a full investigation be made of the rights of said Susie Brown to enrollment as a citizen by blood of the Choctaw Nation; that the testimony of creditable witnesses be required showing her Choctaw blood, if any, the time and place of her birth, her various residences, her ancestors, the privileges, if any, enjoyed by her and her parents as citizens of the Choctaw Nation; and notified that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday, May 14, 1906, at nine o'clock A. M., hear such testimony and receive such other evidence as might be submitted in support of said application, investigation to be conducted along the lines indicated by Department letter above referred to.

On Motion of Attorney for applicants, the hearing in the matter of the above application was continued on April 26, 1906, to May 21, 1906.

On May 21, 1906, proceedings were had in the matter of said applications in pursuance to the notices above mentioned.

It appears from the record herein that the applicants, William M. Brown, Caswell M. Brown, Polly Ann Peck, George G. Brown, Nancy A. Brown, and Hettie McCarty, are the children of the principal applicant, William B. Brown, and Rebecca Cooper (now deceased), who is alleged to have been a Choctaw Indian, and the daughter of William Cooper, who was the son of Johnny

Cooper, an alleged Choctaw Indian, who resided near the line between the states of Tennessee and Mississippi; that Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie), Hudson, Alice Brown, George Brown, Susie Brown, Fannie C. Brown and Willie Clarence Brown, are the children of the applicants William M. Brown and Nancy J. Brown, (the latter an applicant for intermarried rights); that William Erman, Oscar Lee and Teddy Golden Johnston are the children of the applicant, Sarah Johnston, and J. A. Johnston, a non-citizen; that Minnie Gertrude, Henry Hiton and Rubie Dill Brown are the children of the applicants, Becky Brown and Eli W. Brown, (the latter an applicant for intermarried rights); that Roy Lester and Edna Arvel Johnston are the children of the applicant, Mary Johnston, and Jack J. Johnston, a non-citizen; that Claudie, Willie, Elbert Knightington, and Annie Jewell Brown, are the children of the applicant, Caswell M. Brown and Amanda Brown (the latter an applicant for intermarried rights); that Florence, Oscar, Benjamin, Andrew, Otis Dewey Virgie and Prebble Peck are the children of the applicant, Polly Ann Peck and Andrew J. Peck (the latter an applicant for intermarried rights); that Willie Emma, Cassie and Goldie Brown are the children of the applicants, George O. Brown and Sarah Brown (the latter an applicant for intermarried rights); that Mary Ethel, William A. and Ollie McCarty are the children of the applicant Bettie McCarty and Oliver McCarty, a non-citizen; that James B. Nichols and Orin M. Nichols are the children of Wilson Nichols (now deceased), a non-citizen, and Delitha Cooper (now deceased), who is alleged to have been a Choctaw Indian and the daughter of John Cooper, above referred to; that John W. B. Nichols, Della May Scott and Nancy V. Nichols are the children of the applicant, James B. Nichols,

and Nancy C. Nichols (the latter an applicant for intermarried rights); that Louie Herman, Golda Ula and Sylvie Jewel Nichols are the children of the applicant, John W. B. Nichols and Bessie Nichols (the latter an applicant for intermarried rights); that Nema May and Lita Lois Scott are the children of the applicant, Nella May Scott, and Burris Scott, a non-citizen; that James W., Maggie E., Mattie Myrtle and Lonie A. Nichols are the children of the applicant, Orin B. Nichols and Amanda E. Nichols (the latter an applicant for intermarried rights); and that the applicant, Cora Lee and Daphne Myrtle Nichols, are the children of the applicants, James W. Nichols and Osa Nichols (the latter an applicant for intermarried rights).

The applicant, William B. Brown, claims his right to citizenship in the Choctaw Nation by the virtue of his marriage on February 10, 1888, under the laws of the state of Arkansas, to Becky Cooper (now deceased); that Nancy Brown claims her right to enrollment as a citizen by intermarriage by virtue of her marriage to the applicant, William B. Brown, on September 21, 1879; that Eli W. Brown claims his right to enrollment as a citizen by intermarriage by virtue of his marriage on August 21, 1898, under the laws, customs and usages of the Chickasaw Nation to the applicant, Becky Brown, both of said applicants being at said time residents in good faith of the Chickasaw Nation; that Amanda Brown claims her right to enrollment as a citizen by intermarriage by virtue of her marriage on December 2, 1886, to the applicant, Caswell B. Brown; that Andrew J. Peck claims his right to enrollment as a citizen by intermarriage by virtue of his marriage on December 15, 1887, under the laws of the state of Arkansas to the applicant, Polly A. Peck; that Sarah Brown claims her right to enrollment as a citizen by intermarriage by virtue of her mar-

riage to George C. Brown on June 9, 1895; that the applicant, Nancy C. Nichols, claims her right to enrollment as a citizen by intermarriage by virtue of her marriage to the applicant, James B. Nichols, on March 9, 1873; that the applicant, Bessie Nichols, claims her right to enrollment as a citizen by intermarriage by virtue of her marriage on September 11, 1894, to the applicant, John W. B. Nichols; that Amanda M. Nichols claims her right to enrollment as a citizen by intermarriage by virtue of her marriage on October 20, 1878, to the applicant, Orin L. Nichols; and that Osa Nichols claims her right to enrollment as a citizen by intermarriage by virtue of her marriage on April 27, 1899, to the applicant, James W. Nichols.

It does not appear from the record herein or from the records in the possession of this office that the applicant, Andrew J. Peck, has ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, nor has said applicant ever been married to Polly Ann Peck, through whom he claims his intermarried rights, by virtue of a license issued by the tribal authorities of either the Choctaw or Chickasaw Nation.

At the hearing before the Commissioner to the Five Civilized Tribes on May 21, 1906, William M. Brown, Caswell M. Brown, James B. Nichols, and Orin M. Nichols testified that in 1894 they, together with the other applicants herein who were living at said time, petitioned the Choctaw Council for admission as citizens of the Choctaw Nation; that no action having been taken thereon, they,

in 1896, appeared before the Choctaw Census Commission and made application to be enrolled upon the 1896 Choctaw Census Roll; and that some time in January, 1897, they received a certificate from the Secretary of the Choctaw Revisory Board, wherein it appeared that they had been enrolled upon the 1896 Choctaw Census Roll. Said applicants further testified that prior to 1896 they had been permitted to issue permits for their tenants, hold lands, and were not subject to any tribal tax which was due from all non-citizens who were engaged in the mercantile business.

On June 4, 1906, John H. Gamblin testified that he was acquainted with the applicants herein, and that in October, 1894, he having business before the Choctaw Council, presented on behalf of the applicants herein who were living at that time, a petition praying that they be admitted as citizens of the Choctaw Nation, and that he does not know what action, if any, was ever taken thereon.

Upon an examination of the tribal rolls of the Choctaw Nation in the possession of this office, it appears that the applicants, William B. Brown, William N. Brown, Nancy J. Brown, Caswell M. Brown, Amanda Brown, Polly Ann Peck, Andrew J. Peck, George G. Brown, Sarah Brown, Nancy A. Brown, Nettie McCarty, Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie) Hudson, Alice Brown, George Brown, Susie Brown, Maudie Brown, Willie Brown, Florence Peck, Oscar Peck, Benjamin Peck, Andrew Peck, James B. Nichols, Nancy C. Nichols, Orin B. Nichols, Amanda M. Nichols, John W. B. Nichols, Della May Scott, Nancy V. Nichols, James W. Nichols, Maggie M. Nichols, Nettie Myrtle Nichols and Lonie A. Nichols, are identified upon the 1896 Choctaw Census Roll opposite numbers 1688, 1691, 1692, 1701, 1702, 10818, 10817, 1705, 1706, 1689, 1690, 1693, 1694, 1695, 1696, 1697, 1698, 1699,

1703, 1704, 10519, 10520, 10521, 10522, 9803, 9808, 9812, 9813, 9809, 9810, 9811, 9814, 9815, 9816, and 9817, respectively.

It further appears from the record herein that all of the applicants that were living on June 28, 1898, were residents in good faith of the Indian Territory on said date.

The evidence in this case further shows that the applicant, Daphne Myrtle Nichols, died on June 27, 1901.

I am of the opinion that in accordance with the opinions of the Assistant Attorney General for the Department of the Interior of February 10, 1905 (I.T. D. 10353-1904) and December 8, 1905 (I.T.D. 3693-1905), in the case of Lula West, the action of the Commission to the Five Civilized Tribes, and the subsequent action of the United States Court for the Southern District of Indian Territory, and the Choctaw and Chickasaw Citizenship Court upon the right of the applicants who applied to the Commission to the Five Civilized Tribes in 1896, with the exception of Andrew J. Peck, was without authority of law, and of no force and effect upon the status of said applicants as citizens of the Choctaw Nation.

I am further of the opinion that the orders of the Commission to the Five Civilized Tribes of December 12, 1904 and March 18, 1905, dismissing the applications for the enrollment of Mary E. McCarty, William Erman Johnston, Minnie Gertrude Brown, Fannie C. Brown, Henry Witen Brown, Elbert Knightington Brown, Otis Dewey Peck, Virgie Peck, Louis Norman Nichols and Golda Ula Nichols as citizens by blood of the Choctaw Nation, and Eli W. Brown, Bessie Nichols and Osa Nichols as citizens by intermarriage of the Choctaw Nation, should be rescinded.

I am further of the opinion that in accordance with the

opinions of the Assistant Attorney General for the Department of the Interior of March 3, 1905 (I.T.D. 187-1905) and March 10, 1906 (I.T.D. 9969-1905), Nancy A. Brown, Bettie McCarty, Mary Ethel McCarty, William N. Brown, Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Winnie) Hudson, Alice Brown, George Brown, Essie Brown, William Erman Johnston, Minnie Gertrude Brown, Henry Niton Brown, Wannie C. Brown, Caswell B. Brown, Maudie Brown, Willie Brown, Elbert Knightington Brown, Polly A. Peck, Florence Peck, Oscar Peck, Benjamin Peck, Andrew Peck, Otis Dorsey Peck, Virgie Peck, George G. Brown, Willie Mama Brown, James M. Nichols, Della May Scott, Nancy V. Nichols, John W. B. Nichols, Louie Herman Nichols, Celda Ula Nichols, Orin M. Nichols, James W. Nichols, Maggie M. Nichols, Mattie Myrtle Nichols and Lonie A. Nichols should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that William B. Brown, Nancy Brown, Eli W. Brown, Amanda Brown, Sarah Brown, Nancy C. Nichols, Bessie Nichols, Amanda M. Nichols, and Osa Nichols should be enrolled as citizens by intermarriage of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the application made for the enrollment of Andrew J. Peck as a citizen by intermarriage of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

I am further of the opinion that William A. McCarty, Ollie McCarty, Oscar Lee Johnston, Willie Clarence Brown, Roy Lester Johnston, Edna Arvel Johnston, Teddy Golden Johnston, Rubie Dill Brown, Annie Jewell Brown, Prebble Peck, Cassie Brown, Goldie Brown, Nema May Scott, Lita Lois Scott, Sylvie Jewel Nichols and Cora Lee Nichols should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (Public No. 129), and it is so ordered.

I am further of the opinion that the application made for the enrollment of Daphne Myrtle Nichols as a citizen by blood of the Choctaw Nation should be dismissed, and it is so ordered.

Muskogee, Indian Territory,
Aug. 13, 1906.

Tams Bixby,
COMMISSIONER.

D.O.K.

J.W. K.
W.C.R.
J.W.L.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

GWW
File-3-51.

March 1, 1909.

The Commissioner
to the Five Civilized Tribes,

Sir:

January 2., 1909, you were advised that the names of certain persons were inadvertently included in Departmental letter of January 19, 1909 (File 3-51); that such mistake was due to the fact that it was supposed they were enrolled upon schedules approved by the Department, when in fact, the only schedules upon which their names appear were disapproved, and that no action should be taken under the circumstances looking to the erasure of interlineations or notations, if any, from the disapproved schedules, in connection with their names.

The names of the persons referred to in said letter of January 28, 1909, are as follows:

Cherokee by Blood.

Roll No.	
16104	Elizabeth Allen.
16112	George A. Dungarner.
16110	Leotitia Crutchfield.
16105	Everett Crutchfield.

16111	George W. Crutchfield
16108	Ida Crutchfield,
16107	Ina Crutchfield,
16106	Louvinia Crutchfield
16109	William Crutchfield,
921	Josephine Laflore Long.
922	Kate Laflore Long.
16104	David Ritter

It now appears from the records of the Secretary's Office that there was a schedule approved May 21, 1904, by the Secretary of the Interior, and that the approval, then given was cancelled by said Secretary at a later date, to-wit, June 28, 1904.

The name of Elizabeth Allen appears upon the schedule which was approved May 21, 1904, opposite the number 15881. Ida Crutchfield's name appears opposite No. 15883, while the other members of the Crutchfield family were given the numbers immediately following that assigned to her.

You are requested to cause a report to be prepared showing whether the records of your office also show that an earlier schedule containing the names of said persons was approved May 21, 1904; also whether such approval was cancelled June 28, 1904. Please report also the reason for the attempted cancellation, and whether prior notice as given thereof.

It appears further that, in connection with the names of Elizabeth Allen and the Gratchfield family on the roll approved May 21, 1904, the names of Arbella Hickman, Ida M. Southard and Grover Randall are also to be found.

In connection with said names, it is desired that you will report what action, in your opinion, should be taken concerning the first of said persons; also whether the said Ida M. Southard and Grover Randall, respectively, are identical with the Ida M. Southard whose name appears opposite No. 15880 in the printed rolls of citizens by blood of the Choctaw Nation, and the Grover Randall whose name appears on page 8 of Departmental letter of January 19, 1906 (File 8-61), opposite No. 19928.

As appears from the above list, there were other persons besides the said Allen and Gratchfields whose names were enrolled on schedules which were finally disapproved by the Department: for example, George A. Dungarner, Josephine LeFlore Long and John LeFlore Long.

Please report whether the names of these persons appear upon any prior approved schedule; also why it was that the Commissioner to the Five Civilized Tribes enrolled them upon the schedule which was disapproved by the Department, showing whether the Commissioner enrolled them thereon, of his own motion, or under decision or instructions from the Department.

By comparison of the roll approved May 21, 1904, with the printed rolls of Choctaws by blood, the Department

finds that the numbers appearing thereon opposite the names of said persons were subsequently assigned to other citizens of the Cherokee Nation; thereby the series of roll numbers was kept perfect, but a material portion of the rolls was evidently sacrificed upon the supposition that it had become worthless. Inquiry arises in this connection as to whether there were other approved schedules which were subsequently disapproved and thrown aside. Accordingly, it is desired that you also cause a report to be prepared covering this feature of the matter, showing all persons embraced in similar census, with recommendation as to what action should be taken as to them. This will necessitate a statement as to why their names were stricken or cancelled from the rolls, and whether such action was taken without prior notice.

There is still another matter concerning which the Department desires report to be made. It is observed that the words "No person enrolled at this number" are to be found not infrequently opposite consecutive numbers on the pages of the printed rolls; and you are requested to advise the Department whether such words were substituted for the names of individuals appearing on disapproved schedules, and if such is the case, whether such disapproved schedules were approved at any time by the Department; also whether favorable decisions were ever rendered by the Department as to such persons prior to their enrollment upon such disapproved schedules.

For the sake of expedition, a partial report should be rendered at once concerning the said Elizabeth Allen and the various members of the Crutchfield family named above. The other matters referred to herein can be disposed of by subsequent reports.

Very respectfully,

James E. Wilson,

Assistant Secretary.

Through the

Indian Office.

Land
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17077-08

JFF

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, D.C. Feb. 5, 09

Respectfully referred to the Commissioner to the Five Civilized Tribes, for appropriate action.

John Frances, Jr.
Acting Chief Land Division.

1 letter dated Feb 1, 09.

D 460-1909.

Muskogee, Oklahoma, April 20, 1909.

Subject:

Re meeting report relative to petition of Wm. B. Brown, et al, for enrollment as citizens of the Choctaw Nation.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Indian Office letter of April 9, 1909 (Land 23010-1909) transmitting petition of Wm. B. Brown, et al, for enrollment as citizens of the Choctaw Nation. This office is also requested to report specially whether the names of any of the persons in this petition appeared upon any tribal rolls of the Choctaw Nation or upon any roll prepared by the Commission to the Five Civilized Tribes and approved by the Secretary of the Interior.

March 1, 1909, the Department also addressed a letter to this office requesting reports as to all persons whose names may have been upon disapproved schedules and at whose numbers in the printed rolls appears the notation "No person enrolled at this number."

Secretary 2

The case of William E. Brown is one of the cases referred to in Departmental letter of March 1, 1909 and the report is made to the Secretary of the Interior, through the Indian Office, with the view of complying with both requests.

I have the honorto report as follows, relative to the case of William E. Brown and the other members of his family who were included in the decision in the consolidated Chootaw case of William E. Brown, et al.:

It appears from the records of this office that on September 9, 1896, in the case entitled Nancy Cooper et al. versus the Choctaw Nation, 1896 Choctaw Citizenship Case Number 1411, original application was made to the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved June 10, 1896 (29 Stat.,321), for admission to citizenship in the Choctaw Nation of the applicants, Nancy A. Brown (as Nancy Alice Brown), Nettie No Carty (as Rebecca Elizabeth Brown), William W. Brown (as William Wiley Brown), Sarah Johnston (as Sarah Elizabeth Brown), Becky Brown (as Rebecca Catherine Brown), Mary Brown (as Mary Arrillia Brown), Minnie (or Minnie) Woodson (as Minnie Ann Brown), Alice Brown, George Brown (as George Montgomery Brown), Caswell M. Brown, Minnie Brown (as Mandy E. Brown), Willie Brown (as William S. Brown,) Polly A. Peak (as Polly Ann Peak, Florence

Peek (as Winnie F. Peek), Oscar Peek (as Oscar G. Peek), Benjamin Peek (as Benjamin G. Peek), Andrew Peek, George G. Brown, Willie Mann Brown, James R. Nichols (as James Bruton Nichols), Della May Scott (as Mary Della May Nichols), Nancy V. Nichols (as Nannie Velma Nichols), John W. B. Nichols (as John William Bothmel Nichols), Orin M. Nichols (as Orrin Mayberry Nichols), James W. Nichols (as James Willis Nichols), Maggie E. Nichols (as Maggie May Nichols), Hettie Myrtle Nichols, Lenie A. Nichols (as Lena Alta Nichols), as citizens by blood, and for the admission of William B. Brown, Nancy J. Brown (as Nancy Jane Brown), Amanda Brown, Andrew J. Peek (as A. J. Peek), Sarah Brown, Nancy C. Nichols (as Nancy Caroline Nichols), and Amanda M. Nichols (as Amanda Melvina Nichols), as citizens by intermarriage of said Nation; and that on December 6, 1896, said Commission rendered its decision denying the applications for citizenship of the above named persons.

From this decision of the Commission an appeal was taken to the United States Court for the Southern District of Indian Territory, which court on December 20, 1897, in the case entitled Nancy J. Cooper, et al. Versus the Choctaw Nation, Case Number 96 on the Miscellaneous Docket, admitted Nancy A. Brown (as Nancy Alice Brown), Hettie McCarty (as Hettie Brown), Sarah Johnston (as Sarah Brown), Becky Brown,

Mary Brown, Mamie (or Minnie) Watson (as Mamie Brown), Alex Brown, George Brown, Susie Brown, Caswell H. Brown (as Caswell Marion Brown), Mandie Brown, Willie Brown, Polly A. Peck (as Polly Ann Peck,) Florence Peck, Oscar Peck, Benjamin Peck (as Benjamen Grant Peck), Andrew Peck, George S. Brown, Willie Mamm Brown, James B. Nichols (as James Buten Nichols,) Della May Scott (as Dell May Nichols), Nancy V. Nichols (as Nancy Velmer Nichols), Orin M. Nichols (as Orin Mayberry Nichols), James W. Nichols (as James Willis Nichols), Maggie M. Nichols (as Maggie May Nichols), Mattie Myrtle Nichols (as Myrtle Nichols), and Lonie A. Nichols (as Lonie Ada Nichols) as citizens by blood of the Choctaw Nation, and William E. Brown (as William Elmford Brown), Andrew J. Peck (as Andrew Jackson Peck) and Nancy Nichols (as Nancy Caroline Nichols) as citizens by intermarriage of said nation, and denied the applications for the admission of Nancy J. Brown (as Nancy Jane Brown), Sarah Brown and Amanda M. Nichols (as Amanda Melvina Nichols) as citizens by intermarriage of the Choctaw Nation.

The name of the applicant, Susie Brown, was interpolated in the judgment of said court, she nothaving been an applicant before the Commission to the Five Civilized Tribes in 1896.

March 16, 1906, this case again came before the United States Court upon a motion of the plaintiffs' attorneys to

correct the judgment of said court rendered December 20, 1897, and the court thereupon ordered said judgment corrected so as to admit the applicants, Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, Amanda M. Nichols (as Amanda Melvina Nichols) as citizens by intermarriage of the Choctaw Nation.

September 20, 1898, said court rendered a supplemental judgment admitting Amanda Brown as a citizen by intermarriage of the Choctaw Nation.

January 17, 1900, this cause again came before the court upon a motion of the defendant to strike out of the judgment theretofore rendered certain names improperly admitted to citizenship, and the court ordered that the names of Susie Brown, Andrew J. Peak (as Andrew JacksonPeak), Bettie McCarty (as Bettie Brown), and Becky Brown be stricken from said former judgment.

Subsequently, upon the representations of the plaintiff's attorneys that certain persons who were original applicants were by oversight or mistake left out of the original judgment theretofore rendered, the court ordered that the applicants, Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, Amanda Brown, Amanda M. Nichols and Rebecca E. Brown be admitted to citizenship in the Choctaw Nation.

December 17, 1902, the Choctaw and Chickasaw Citizenship

Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stat.,641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Southern District of the Indian Territory.

The record in this case was subsequently certified to the Choctaw and Chickasaw Citizenship Court for a trial de novo, which court, November 22, 1904, in the case entitled William Keighton Brown, et al, versus the Choctaw and Chickasaw Nations, Number 73 on the Fishewings Docket, ordered, adjudged and decreed that the citizen of the plaintiffs be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom.

December 12, 1904, orders were entered of record by the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of Mary E. McCarty, William Erman Johnston, Minnie Gertrude Brown, Henry Kiten Brown, Elbert Knightington Brown, Otis Dewey Peck, Virgie Peck, Louie Herman Nichols and Zelda Ula Nichols as citizens by blood of the Choctaw Nation and March 18, 1905, an order was entered of record dismissing the application for the enrollment of Fannie C. Brown as a citizen by blood of said nation

Secretary 7

for the reason that the parents of those children had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

December 12, 1904, orders were entered of record by the Commission dismissing the applications for the enrollment of Eli W. Brown, Bessie Nichols and Cora Nichols as citizens by intermarriage of the Choctaw Nation for the reason that the persons through whom they claimed their rights had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

March 30, 1905, the Commission to the Five Civilized Tribes denied the application for the enrollment of Thale Brown as a citizen by blood of the Choctaw Nation, and on April 6, 1906 (I T D 3210-1905) the Department set aside this decision of the Commission and returned the record to this office for investigation upon its merits.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes of January 2, 1904, there were filed on February 6, 1906, by Cruce, Cruce & Blakemore, attorneys for the petitioners, Ardmore, Indian Territory, petitions praying that William H. Brown, Nancy A. Brown, Minnie Watson, Emma Johnston, Oscar Lee Johnston, William Brown Johnston, Rebecca Brown, Minnie Gertrude Brown, Henry

Secretary S

Wilton Brown, Rubie Dill Brown, Eli W. Brown, Mary A. Johnston, Roy Lester Johnston, Edna A. Johnston, Rebecca McCarty, William A. McCarty, Mary E. McCarty, William M. Brown, Nancy Jane Brown, George Brown, Alice Brown, Susie Brown, Cletus Brown, Clarence Brown, A. J. Peck, Polly Ann Peck, Minnie Peck, Oscar Sherman Peck, Benjamin Grant Peck, Andrew Peck, O. D. Peck, Virgie Peck, Pebble Peck, C. M. Brown, Amanday Brown, Mandy Brown, William Brown, Elbert K. Brown, Annie Jewel Brown, George C. Brown, Sarah Brown, Willie Emma Brown, Cassie Brown, Goldie Brown, J. B. Nichols, Nancy Nichols, Selma Nichols, John W. B. Nichols, Bessie Deaton Nichols, Louie Norman Nichols, Golda Ethel Nichols, Silva Jewel Nichols, Dolla May Scott, Emma Scott, Orin M. Nichols, Amanda Nichols, Myrtle Nichols, Lonie Nichols, James W. Nichols, Osa Nichols, Cora Lee Nichols and Maggie Angel be enrolled as citizens of the Choctaw Nation.

April 16, 1906, the principal petitioners, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations, were advised that a hearing would be had in this matter at the office of the Commissioner to the Five Civilized Tribes, Muskogee, Indian Territory, Monday, May 14, 1906, at nine o'clock A. M. and on the same date, William M. Brown, father of Rubie Brown, Owens, Green & Blackmore, and Evans-

field, McMurray & Cornish, were advised that on April 6, 1906, the Department had set aside the decision of the Commission to the Five Civilized Tribes of March 30, 1905, and returned the record with instructions that a full investigation be made of the rights of the said Susie Brown to enrollment as a citizen by blood of the Choctaw Nation, and that such testimony and evidence would be received at the date of the hearing on the petition.

On Motion of attorneys for applicants the hearing was continued until May 21, 1906, on which date proceedings were had in the matter of said petition in pursuance to the notices above mentioned.

At the hearing William M. Brown, Caswell M. Brown, James R. Nichols and Orin M. Nichols testified that in 1894, they, together with the other applicants herein who were living at that time, petitioned the Choctaw Council for admission as citizens of the Choctaw Nation; that no action having been taken by the Council as to their case they, in 1896, appeared before the Choctaw Census Commission and made application to be enrolled upon the 1896 Choctaw Census Roll; that some time in January, 1897, they received a certificate from the Secretary of the Choctaw Revisory Board, wherein it appeared that they had been enrolled upon the 1896 Choctaw Census Roll,

Secretary 10

It appears that the applicants, William B. Brown, William H. Brown, Nancy J. Brown, Caswell M. Brown, Amanda Brown, Polly Ann Peck, Andrew J. Peck, George G. Brown, Sarah Brown, Nancy A. Brown, Nettie McCarty, Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie) Hudson, Alice Brown, George Brown, Susie Brown, Mandie Brown, Willie Brown, Florence Peck, Oscar Peck, Benjamin Peck, Andrew Peck, James B. Nichols, Nancy C. Nichols, Orin M. Nichols, Amanda M. Nichols, John W. B. Nichols, Lila May Scott, Nancy V. Nichols, James W. Nichols, Maggie M. Nichols, Nettie Myrtle Nichols and Lonie A. Nichols are identified upon the 1896 Census Roll of the Goodtar Nation, Blue County.

August 13, 1906, the Commissioners to the Five Civilized Tribes rendered a decision, in accordance with the opinion of the Assistant Attorney General for the Department of the Interior of February 16, 1906 (I T D 10353-1904) and December 8, 1906 (I T D 3693-1906) in the case of Lula West, holding that the action of the Commission to the Five Civilized Tribes and the subsequent action of the United States Court for the Southern District of Indian Territory and the Choctaw and Chickasaw Citizenship Court upon the right of the applicants who applied to said Commission in 1896, with the exception of Andrew J. Peck, was without authority of law,

and of no force and effect upon the status of said applicants as citizens of the Choctaw Nation.

We also rescinded the orders of the Commission to the Five Civilized Tribes of December 2, 1904, and March 16, 1905, dismissing the applications for the enrollment of Mary E. Mc Carty, William Erman Johnston, Minnie Gertrude Brown, Fannie C. Brown, Henry Niles Brown, Albert Knightington Brown, Otis Dewey Peck, Virgie Peak, Louie Herman Nichols and Golda Ula Nichols as citizens by blood of the Choctaw Nation and Eli W. Brown, Bessie Nichols and Osa Nichols as citizens by intermarriage of the Choctaw Nation.

The Commissioner to the Five Civilized Tribes further held, in accordance with the opinions of the Assistant Attorney General for the Department of the Interior of March 3, 1906 (I T D 187-1906) and March 10, 1906 (I T D 9969-1905) that Nancy A. Brown, Bettie McCarty, Mary Ethel McCarty, William H. Brown, Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie) Hudson, Alice Brown, George Brown, Susie Brown, William Erman Johnston, Minnie Gertrude Brown, Henry Niles Brown, Fannie C. Brown, Caswell H. Brown, Mandie Brown, Willie Brown, Albert Knightington Brown, Polly A. Peak, Florence Peck, Oscar Peck, Benjamin Peck, Andrew Peak, Otis Dewey

Secretary E

Peck, Virgie Peck, George G. Brown, Willie Mae Brown, James ... N. Nichols, Della May Scott, Nancy V. Nichols, John W. B. Nichols, Lonie Norman Nichols, Golda Ula Nichols, Orin M. Nichols, James W. Nichols , Maggie M. Nichols, Nettie Myrtle Nichols and Lonie A. Nichols should be enrolled as citizens by blood and William B. Brown, Nancy Brown, Eli W. Brown, Amanda Brown, Sarah Brown, Nancy C. Nichols, Bessie Nichols, Amanda M. Nichols and Osa Nichols as citizens by intermarriage of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stat.,495) and July 1, 1902 (32 Stat.,641).

The applications for the enrollment of William A. McCarty, Ollie McCarty, Oscar Lee Johnston, Willie Clarence Brown, Roy Vester Johnston, Edna Arvel Johnston, Teddy Golden Johnston, Babie Bill Brown, Annie Jewell Brown, Pebble Peck, Cassie Brown, Goldie Brown, Nama May Scott, Lita Lois Scott, Sylvia Jewel Nichols and Cora Lee Nichols were also granted under the provisions of the Act of Congress approved April 26, 1906 (34 Stat.,137).

The application for the enrollment of Andrew J. Peck as a citizen by intermarriage was denied and the application for the enrollment of Daphne Myrtle Nichols as a citizen by blood of the Choctaw Nation was dismissed.

Secretary 3

August 14, 1906, the record in this case, together with the decision of August 13,1906, was transmitted to the Department.

February 7, 1907, there were transmitted to the Secretary of the Interior schedules of citizens by blood and marriage of the Choctaw Nation containing the names of the persons who were favorably passed upon by the Commissioner to the Five Civilized Tribes August 13, 1906, in the Choctaw Enrollment case of William B. Brown, et al., as follows:

Citizens by blood . . . . . Nos.	1611 to 1615, inclusive
Citizens by marriage . . . . . Nos.	1637 to 1646, inclusive
Minor citizens by blood . . . . Nos	857 to 872, inclusive

This case was analagous to the case of Mattie Shockley, et al. (Loula West case) in which this office had been directed to suspend action until the Attorney General had passed upon the questions involved in that case, but inasmuch as the time within which persons could be enrolled and their enrollment approved by the Secretary of the Interior under the provisions of the Act of Congress approved April 26, 1906, was becoming very short, the schedules above described were prepared by this office without waiting for the opinion of the Attorney General and were forwarded to the Department in order that, if the opinion of the Attorney General were favorable, the rights of these applicants might be protected without

delay, and this office requested, in the event of such favorable opinion of the Attorney General, that these schedules be approved by the Secretary of the Interior.

February 26, 1907, referring to Departmental letter of February 23, 1907 (I T D 4[illegible]-1907) requesting this office to forward a list of those cases in which enrollment should be cancelled in view of the opinion of the Attorney General of February 19, 1907 in the Choctaw enrollment cases of Louisa West and William C. Thompson, the Commissioner to the Five Civilized Tribes called the attention of the Department to the schedules above described which were forwarded February 7, 1907, and advised that this case was analogous to the case of Louisa West. It was, therefore, recommended that the decision of August 13, 1906, be not approved by the Department and that the schedules transmitted with office letter of February 7, 1907, be disapproved by the Secretary of the Interior.

February 28, 1907 (Land 71868-1906, [illegible]ED,14413-1907) the Indian Office forwarded to the Department the record in the case of William R. Brown, et al, together with the schedules transmitted February 7, 1907, and recommended, in view of the opinion of the Attorney General of February 19, 1907, that the decision of the Commissioner of August 13, 1906, in

so far as it was favorable to the applicants, be reversed and the schedules disapproved, which was done by the Department March 1, 1907 (I T D 57-1907).

This office has no record of any favorable decision of the Department as to the persons included in this consolidated case.

No formal allotments were made to the persons included in this case but applications were made on their behalf for certain lands which were involved in Chickasaw contest cases. Subsequent to March 4, 1907, these contests were dismissed and on August 31, 1907, a motion to reinstate said contests was denied.

August 29, 1907, the Department advised this office that by letter of August 4, 1907, counsel for the claimants in the case of William B. Brown, et al. requested that the order of the Department of June 14, 1907, in the case of William C. Thompson and others, suspending action on claims to allotments of lands be made applicable to them.

September 20, 1907, this office reported that it did not appear that the claimants in the case of William B. Brown, et al. possessed the same status as the claimants in the case of William C. Thompson, et al. as their names had never been upon an approved roll, but that it appeared they occupied

the same status as the persons included in the case of John N. Gamblin and the case of Angus A. Spring.

October 12, 1907 (I T 77803-1907) the Indian Office held that the action of the Commissioner to the Five Civilized Tribes in dismissing the contests on behalf of these claimants, and in refusing to reinstate the same, was proper and recommended that he be advised that all applications for allotments on behalf of these persons should be denied and this recommendation was approved by the Department October 14, 1907.

Following these instructions of the Department the lands in contest were awarded to the contestees, and patents therefor were recorded and delivered to them. It is believed, therefore, that these persons, in the event of a favorable decision relative to their enrollment, could not recover the land referred to, and if they are holding or claiming other land this office has no record of such claim.

If they are now in possession of other lands in the Cherokee and Chickasaw Nations, this office will , however, upon the receipt of descriptions thereof, make a record of their claim to the land, pending further action by the Department.

I have further to report that the record in this case is full and complete and it is believed the applicants could

Secretary 17

add nothing material thereto at this time, and that it would work an unjustifiable hardship upon them to notify them now to appear and give further testimony in this case and force upon them the expense of a hearing at this office.

I have not, therefore, forwarded the notices referred to in Departmental letter of March 15, 1909 and Indian Office letter of April 9, 1909, but will await specific instructions from the Department as to its wishes in the matter in accordance with my request of April 14, 1909, in the Mattis Thorley case.

If it is the desire of the Department that notices be forwarded in this case, however, this office will proceed to notify the applicants thereof immediately upon receipt of advice from the Department and will make supplemental report after their replies have been received.

The petition inclosed with Indian Office letter of April 9, 1909, is herewith returned.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

AB

Land
31790-1909.
J. H. B.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
Washington.

June 25, 1909.

Enrollment case of
Wm. B. Brown et al.

The Commissioner
to the Five Civilized Tribes.
Muskogee, Oklahoma.

Sir:

Referring to your report of April 20, 1909, relative to the consolidated Chootaw enrollment case of William B. Brown et al., you are advised, that on June 15, 1909, the Department held that the case mentioned was not analogous to that of John E. Goldsby, and did not come within the principles announced by the Supreme Court of the United States in that case, (211 U. S. 249).

The Department, therefore, declined to take any action looking to the enrollment of any of the applicants in the consolidated case of William B. Brown et al.

A copy of approved Office letter of May 17, 1909, is inclosed for your further information.

You are requested to notify the parties in interest.

Very respectfully,

J. H. Dartch,
Acting Chief Clerk.

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DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
Washington.

G.R.
J.W.
J.F. Jr.
W.R.B.

Enrollment case of
William B. Brown et al.

May 17, 1909.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of March 1, 1909, there is transmitted herewith a report dated April 20, 1909, from the Commissioner to the Five Civilized Tribes, relative to the enrollment case of William B. Brown et al. The history of the claim is set out fully in the reports enclosed.

The records shows, among other things, that on August 13, 1906, the Commissioner to the Five Civilized Tribes rendered a decision that Nancy A. Brown, Bettie McCarty, Mary Ethel McCarty, William M. Brown, Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie) Hudson, Alice Brown, George Brown, Susie Brown, William Erman Johnston, Minnie Gertrude Brown, Henry Niten Brown, Fannie C. Brown, Caswell M. Brown, Maudie Brown, Willie Brown, Albert Knighington Brown, Polly A. Peck, Florence Peck, Oscar Peck Benjamin Peck, Andrew Peck, Otis Dewey Peck, Virgie Peck, George A. Brown, Willie Emma Brown, James B. Nichols, Della May Scott, Nancy V. Nichols, John W. B. Nichols, Louis Herman Nichols, Golda Ula Nichols, Orin M.

Nichols, James W . Nichols, Maggie M. Nichols, Nettie Myrtle Nichols and Lonnie A. Nichols should be enrolled as citizens by blood and William B. Brown, Nancy Brown, Eli W. Brown, Amanda Brown, Sarah Brown, Nancy C. Nichols, Bessie Nichols, Amanda M. Nichols and Ora Nichols as citizens by intermarriage of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stat. L. 495) and July 1, 1902 (32 Stat., L. 641).

The applications for the enrollment of William A. McCarty, Ollie McCarty, Oscar Lee Johnston, Willie Clarence Brown, Roy Lester Johnston, Adna Arvel Johnston, Teddy Golden Johnston, Rubie Dill Brown, Annie Jewell Brown, Prebble Peak, Cassie Brown, Goldie Brown, Nona May Scott, Lita Lois Scott, Sylvie Jewel Nichols and Cora Lee Nichols were also granted under the provisions of the Act of Congress approved April 26, 1906 (34 Stat. L. 137).

The application for the enrollment of Andrew J. Peak as a citizen by intermarriage was denied and the application for the enrollment of Daphne Myrtle Nichols as a citizen by blood of the Choctaw Nation was dismissed.

It appears that on August 14, 1906, the record in the case, together with the decision, was forwarded by the Commissioner to the Five Civilized Tribes, and that on February 7, 1907, he transmitted to the Department schedule of citizens of the Choctaw Nation by blood and by marriage, containing the names of persons who were favorably passed upon by

him in his decision of August 13, 1906, in this case. It appears also that on February 26, 1907, the Commissioner, referring to Department letter of February 23, 1907, invited the Department's attention to the above-mentioned schedules, and to the Choctaw enrollment case of William B. Brown, et al, and recommended, in view of the opinion of the Attorney General dated February 19, 1907, in the Loula West and other cases, that his decision of August 13, 1906, be not approved, and that the schedules referred to be disapproved.

On March 1, 1907, the Department reversed the decision of the Commissioner so far as it was favorable to the applicants, and disapproved the schedules containing their names.

The Commissioner to the Five Civilized Tribes reports further that his office has no record of any favorable decision of the Department as to the persons included in this case.

It appears also that their names have never been placed upon any roll or schedule of citizens of the Choctaw Nation prepared by the Commissioner to the Five Civilized Tribes and approved by the Department.

The Office concurs in the view of the Commissioner to the Five Civilized Tribes that as the record in the case is a complete one, the applicants could add nothing material thereto at this time, and to have them appear at his office

to give further testimony would only make additional expense for them and work a hardship without any benefit accruing therefrom.

On April 9, 1908, the Office requested the Commissioner to the Five Civilized Tribes to take no steps pending the preparation of his report concerning the enrollment case of William R. Brown et al toward the issuance of a patent to any adverse party in interest to the lands occupied by the applicants in the above mentioned case. The Commissioner was also requested to instruct the United States Indian Agent, at Union Agency, to suspend action, if any was contemplated, toward dispossessing the applicants of the lands occupied by them until further advised by the Department.

The Commissioner reports that no formal allotments were made to the persons included in the above case, but that applications were made in their behalf for certain lands which were involved in Chickasaw contest cases. The contests in behalf of these claimants were dismissed by the Commissioner to the Five Civilized Tribes, and on October 12, 1907, the Office held that the action of the Commissioner was proper, and recommended that he be advised that all applications for allotments in behalf of these persons should be denied.

This recommendation was approved by the Department on October 14, 1907. It appears from the report of the Commissioner to the Five Civilized Tribes that the lands in contest

were awarded to the contestees and patents therefor were recorded and delivered to them. Title having passed to the contestees, the Department is now without authority to place or permit the applicants in the William B. Brown case to remain in possession of the lands covered by the patents issued to the contestees, even in the event of the Department rendering a favorable decision relative to their enrollment.

The Commissioner reports that his office has no record of the applicants in the case mentioned holding or claiming possession of any other lands in the Choctaw or Chickasaw Nations, but says that if they are in occupancy of such other lands his office will, upon receipt of a description thereof, make a record of the claims pending further action by the Department.

The Office is of the opinion that the case of William B. Brown et al., is not analogous to that of John B. Goldsby, and that it does not come within the principles announced by the Supreme Court of the United States in its decision of November 30, 1908, in that case (211 U. S. 249).

It is therefore recommended that the Department take no action looking to the enrollment of any of the applicants included in the consolidated case of William B. Brown, et al.

The record in the case, and other papers pertaining thereto, are transmitted herewith for your further information.

Very respectfully,

R. G. Valentine,
Acting Commissioner.

RMK 11
491
WHP June 18, 1909. JWK

Approved:
Frank Pierce,
First Assistant Secretary. WWC

Muskogee, Oklahoma, June 28, 1909.

Sarah Johnson,

Comanche, Oklahoma.

Madam:

You are hereby notified that on June 15, 1909, the Secretary of the Interior held that the Choctaw enrollment case of William B. Brown et al., with which your case was consolidated, was not analogous to that of John E. Goldsby (211 U.S. 249), and declined to take any action looking to the enrollment of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in said Goldsby case.

Respectfully,

WWA-EB. Commissioner.

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Willie Clarence Brown

Aug 13, 1906 Granted.

March 1, 1907 Decision of Commissioner revised by Dept. and schedule containing name of this applicant disapproved.

March 1, 1909 Dept. requests report.

Apr. 20, 1909 Report to Dept.

Jun. 15, 1909 Dept. holds case is not analagous to Goldsby case and declines to take action looking to enrollment of applicants.

Jun 29, 1909 Parties notified.

M 918

O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William B. Brown, et al., as citizens of the Choctaw Nation, consolidating the applications of

William B. Brown, et al.	7-5096,
William B. Brown, et al.	7-5060,
Eli W. Brown, et al.	7-D-432,
Caswell M. Brown, et al.	7-5066,
Andrew J. Peck, et al.	7-5062,
George G. Brown, et al.	7-5095,
James B. Nichols, et al.	7-5100,
John W. B. Nichols, et al.	7-5097,
Orin M. Nichols, et al.	7-5061,
Osa Nichols, et al.	7-D-500.

D E C I S I O N.

It appears from the census card records in this case that on September 22, 1898, application was made to the Commission to the Five Civilized Tribes for the enrollment of William B. Brown (sixty-one years of age), as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his two children, Nancy A. Brown, (twenty-three years of age) and Bettie Brown, now McCarty (nineteen years of age), as citizens by blood of the said nation; on September 22, 1898, for the enrollment of William B. Brown (thirty-nine years of age), and his seven minor children, Sarah Brown, now Johnston (eighteen years of age), Becky Brown (sixteen years of age), Mary Brown, now Johnston (thirteen years of age), Mamie (or Minnie) Brown, now Hudson (eleven years of age), Alice Brown (eight years of age), George Brown (five years of age) and Susie Brown (one year of age), as citizens by blood of the Choctaw Nation, and for the enrollment of Nancy Brown (thirty-six years of age) as a citizen by intermarriage of said nation; on September 5,

1899, for the enrollment of Eli W. Brown (twenty-eight years of age) as a citizen by intermarriage of the Choctaw Nation; on September 22, 1898, for the enrollment of Caswell M. Brown (thirty-four years of age), and his two minor children, Maudie (ten years of age) and Willie Brown (six years of age), as citizens by blood of the Choctaw Nation, and on October 18, 1898, for the enrollment of his wife, Amanda Brown (thirty-one years of age), as a citizen by intermarriage of said nation; on September 22, 1898, for the enrollment of Andrew J. Peek (thirty-two years of age) as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Polly A. Peel (thirty years of age), and his five minor children, Florence (nine years of age), Oscar (seven years of age), Benjamin G. (five years of age), Andrew (three years of age), and Otis Dewey Peek (two months of age), as citizens by blood of said Nation; on September 22, 1898, for the enrollment of George G. Brown (twenty-six years of age), and his minor daughter, Willie Emma Brown (three years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Sarah Brown (twenty-one years of age), as a citizen by intermarriage of said nation; on September 22, 1898, for the enrollment of James E. Nichols (forty-eight years of age), and his two minor children, Della, May Nichols, now Scott (fourteen years of age), and Nancy V. Nichols (seven years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Nancy C. Nichols, (forty-two years of age), as a citizen by intermarriage of said nation; on September 22, 1898, for the enrollment of John W. B. Nichols (twenty-four years of age) as a citizen by blood of the Choctaw Nation, and for the enrollment of his wife, Bessie Nichols (eighteen years of age), as a citizen by intermarriage of

said nation; on September 22, 1898, for the enrollment of Orin W. Nichols (forty-four years of age), and his four minor children, James W. (eighteen years of age), Maggie M. (twelve years ofage), Mettie Myrtle (eight years of age), and Lonie A. Nichols (four years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Amanda M. Nichols (thirty-eight years of age), as a citizen by intermarriage of said nation; and on September 22, 1898, for the enrollment of Osa Nichols (seventeen years of age) as a citizen by intermarriage of the Choctaw Nation.

Applications were subsequently made for the enrollment of the following minor applicants as citizens by blood of the Choctaw Nation: On January 2[illegible], 1902, for the enrollment of Mary Ethel McCarty (born December 8, 1901); on May 31, 1906, for the enrollment of William A. McCarty (born April 21, 1904) and Ollie McCarty (born February 14, 1906); on October 14, 1900, for the enrollment of William Erman Johnston (born June 30, 1900); on October 19, 1900, for the enrollment of Minnie Gertrude Brown (born August 13, 1900); on May 16, 1901, for the enrollment of Fannie C. Brown (born February 11, 1901); on April 29, 1905, for the enrollment of Oscar Lee Johnston (born November 14, 1902); on April 29, 1905, for the enrollment of Willie Clarence Brown (born April [illegible], 1903); on July 12, 1902, for the enrollment of Henry Niten Brown, (born May 21, 190[illegible]); on April 29, 190[illegible], for the enrollment of Roy Lester Johnston (born October 28, 1903); on May 21, 1906 for the enrollment of Edna Arvel Johnston (born March 21, 1905); on April 14, 1905, for the enrollment of Rubie Dill Brown (born February 12, 1904); in 1899, for the enrollment of Elbert Knightington Brown (born October 8, 1899); on April 7, 1905, for the enrollment of Annie JewellBrown (born December 2, 1902); on December 10, 1901, for the enrollment of Virgie Peek (born October 11, 1901); on April 8, 1905, for the enrollment of Prebble Peek (born February 19, 1904);

on May 21, 1906, for the enrollment of Cassie Brown (born May 30, 1900) and Goldie Brown (born September 5, 1904); on April 17, 1905, for the enrollment of Nema May Scott (born May 15, 1903) and Lita Scott (born February 1, 1906); on September 1, 1900, for the enrollment of Louie Herman Nichols (born August 19, 1900); on December 27, 1901, for the enrollment of Golda Ula Nichols (born September 15, 1901); on April 1, 1905, for the enrollment of Sylvie Jewel Nichols (born August 26, 1903); on April 14, 1905, for the enrollment of Cora Lee Nichols (born November 6, 1902); on April 6, 1901, for the enrollment of Daphne Myrtle Nichols (born February 20, 1901); and on May 21, 1906, for the enrollment of Teddy Golden Johnston (born June 15, 1905).

It appears from the records of the Commission to the Five Civilized Tribes that on September 9, 1896, in the case entitled "Nancy Cooper, et al. vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 1418), original application was made to said Commission, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321), for admission to citizenship in the Choctaw Nation of the applicants, Nancy A. Brown (as Nancy Alice Brown), Bettie McCarty (as Rebecca Elizabeth Brown), William M. Brown (as William Niten Brown), Sarah Johnston (as Sarah Elizabeth Brown), Becky Brown (as Rebecca Catherine Brown), Mary Brown (as Mary Arrillie Brown), Mamie (or Minnie) Hudson (as Minnie Ann Brown), Alice Brown, George Brown (as George Montgomery Brown), Caswell M. Brown, Maudie Brown (as Mandy E. Brown), Willie Brown (as William C. Brown), Polly A. Peck (as Polly Ann Peck), Florence Peck (as Minnie F. Peck), Oscar Peck (as Oscar E. Peck), Benjamin Peck (as Benjamin C. Peck), Andrew Peck, George G. Brown, Willie Emma Brown, James B. Nichols (as James Ernest Nichols), Della May Scott (as Mary Della May Nichols), Nancy V. (Nannie Velma Nichols),

John W. B. Nichols (as John William Bethuel Nichols), Orin M. Nichols (as Orrin Mayberry Nichols), James W. Nichols (as James Willis Nichols), Maggie M. Nichols (as Maggie May Nichols), Mettie Myrtle Nichols, Lonie A. Nichols (as Lona Alta Nichols), as citizens by blood of said nation, and for the admission of William B. Brown, Nancy J. Brown (as Nancy Jane Brown), Amanda Brown, Andrew J. Peck, (as A. J. Peck), Sarah Brown, Nancy C. Nichols (as Nancy Caroline Nichols), and Amanda M. Nichols (as Amanda Melvina Nichols), as citizens by intermarriage of said nation; and that on December 8, 1896, said Commission rendered its decision therein, denying the application of the above named applicants for enrollment as citizens of the Choctaw Nation.

From the decision of said Commission an appeal was taken to the United States Court for the Southern District of Indian Territory, which court on December 27, 1897, in the case entitled "Nancy J. Cooper, et al. vs. Choctaw Nation" (Southern District Citizenship Case No. 96), admitted Nancy A. Brown (as Nancy Alice Brown), Nettie McCarty (as Nettie Brown), Sarah Johnson (as Sarah Brown), Rosky Brown, Mary Brown, Mamie (or Minnie) Hudson (as Mamie Brown), Alice Brown, George Brown, Susie Brown, Caswell M. Brown (as Caswell Marion Brown), Maudie Brown, Willie Brown, Polly A. Peck (as Polly Ann Peck), Florence Peck, Oscar Peck, Benjamin Peck (as Benjamin Grant Peck), Andrew Peck, George G. Brown, Willie Emma Brown, James B. Nichols (as James Bruton Nichols), Della May Scott (as Bell May Nichols), Nancy V. Nichols (as Nancy Velmer Nichols), Orin M. Nichols (as Orin Mayberry Nichols), James W. Nichols (as James Willis Nichols), Maggie M. Nichols (as Maggie May Nichols), Mettie Myrtle Nichols (as Myrtle Nichols), and Lonie A. Nichols (as Lonie Alta Nichols), as citizens by blood of the Choctaw Nation, and William B. Brown (as William Bluford Brown), Andrew J. Peck (as Andrew Jackson Peck), and Nancy C. Nichols (as

Nancy Caroline Nichols), as citizens by intermarriage of said nation, and denied the applications for the admission of Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, and Amanda M. Nichols (as Amanda Melvina Nichols), as citizens by intermarriage of the Choctaw Nation. The name of the applicant, Susie Brown, was interpolated in the judgment of said court, she not having been an applicant before the Commission to the Five Civilized Tribes in 1896.

On March 18, 1898, said cause again came before said court upon a motion of the plaintiff's attorneys to correct the judgment of said court rendered December 20, 1897, and the court, thereupon, ordered said judgment corrected so as to admit the applicants, Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, Amanda M. Nichols (as Amanda Melvina Nichols), as citizens by intermarriage of the Choctaw Nation.

On September 28, 1898, said court rendered a supplemental judgment admitting Amanda Brown as a citizen by intermarriage of the Choctaw Nation.

On January 17, 1900, this cause came before said court upon a motion of the defendant to strike out of the judgment heretofore rendered, certain names improperly admitted to citizenship, and said court being fully advised, ordered that the following names, Susie Brown, Andrew J. Peck as (Andrew Jackson Peck), Nettie McCarty (as Nettie Brown), and Becky Brown, be stricken from said former judgment.

Subsequently, upon the representation of the plaintiff's attorneys that certain persons who were original applicants were by oversight or mistake left out of the original judgment heretofore rendered, the court ordered that the applicants, Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, Amanda Brown, Amanda M. Nichols and Rebecca E. Brown be admitted to citizenship in the

Choctaw Nation.

It further appears from the records of said Commission that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgement of the United States Court for the Southern District of Indian Territory?

Thereafter, the record in the above case was certified to the Choctaw and Chickasaw Citizenship Court, for a trial de novo, which court, on November 29, 1904, in the case entitled, "William Neighton Brown, et al. vs. Choctaw and Chickasaw Nations" (Choctaw Chickasaw Citizenship Court Case No. 73, Tishomingo Docket), "ordered, adjudged and decreed that the petition of the plaintiffs, William Neighton Brown (or William Knighton Brown), Caswell Marion Brown, Polly Ann Peck (nee Brown), George R. Brown (or George G. Brown), Money Ellis Brown (or Money Alice Brown), Sarah Brown, Mary Brown, Menie Brown (or Mamie Brown), Alice Brown, George Brown, Mendie Brown (or Maudie Brown), Willie Brown, Florence Peck, Oscar Peck, Benjamin Grant Peck, Andrew Peck, William Emma Brown, (or Willie Emma Brown),.....James Burton Nichols, (or James Bruton Nichols), Onay Mayberry Nichols (or Orin Mayberry Nichols), John William Beffle Nichols, Della May Nichols, Nancy Velmer Nichols, Lenie Alta Nichols,.....William Buford Brown, Nancy Caroline Nichols, Rebecca E. Brown (or Becky Brown), Rebecca C. Brown (or Rebecca Brown), Amanda Melvina Nichols, Amanda Brown, Nancy J. Brown (or Nancy Jane Brown), Sarah Brown,.....be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom."

On December 12, 1904, orders were entered of record by the Commission to the Five Civilized Tribes dismissing the applica-

tions for the enrollment of Mary E. McCarty, William Erman Johnston, Minnie Gertrude Brown, Henry Niten Brown, Elbert Knighting-ton Brown, Otis Dewey Peek, Virgie Peek, Louie Herman Nichols and Celda Ula Nichols as citizens by blood of the Choctaw Nation, and on March 18, 1905, an order was entered of record dismissing the application for the enrollment of Fannie C. Brown as a citizen by blood of said nation. All of said applicants were dismissed for the reason that their parents through whom they claim their rights to enrollment as citizens by blood of the Choctaw Nation, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court/

On December 12, 1904, orders were entered of record by the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of Eli W. Brown, Bessie Nichols and Osa Nichols as citizens by intermarriage of the Choctaw Nation, for the reason that the persons through whom they claim their rights had also been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

On March 30, 1905, the Commission to the Five Civilized Tribes denied the application for the enrollment of Susie Brown as a citizen by blood of the Choctaw Nation, and on April 6, 1906 (I.T.D. 3610-1905), the Department set aside said decision of the Commission and returned the record to this office for a full investigation upon its merits.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes of January 2, 1906, there was filed on February 6, 1906, by Cruce, Cruce and Blackmore, of Ardmore, Indian Territory, attorneys for the petitioners, petitions praying that William E. Brown, Nancy A. Brown, Minnie Hudson, Sarah Johnston, Oscar Lee Johnston, William Erman Johnston, Rebecca Brown, Minnie Gertrude Brown, Henry Niten Brown, Rubie Dill

Brown, Eli W. Brown, Mary A. Johnston, Roy Lester Johnston, Edna A. Johnston, Rebecca McCarty, William A. McCarty, Mary E. McCarty, William W. Brown, Nancy Jane Brown, George Brown, Alice Brown, Susie Brown, Cletus Brown, Clarence Brown, A. J. Peck, Polly Ann Peck, Minnie Peck, Oscar Sherman Peck, Benjamin Grant Peck, Andrew Peck, O. D. Peck, Virgie Peck, Probble Peck, C. M. Brown, Amanday Brown, Maudy Brown, William Brown, Albert W. Brown, Annie Jewel Brown, George G. Brown, Sarah Brown, Willie Emma Brown, Cassie Brown, Goldie Brown, J. B. Nichols, Nancy Nichols, Selma Nichols, John W. B. Nichols, Bessie Denton Nichols, Louie Herman Nichols, Gelda Eula Nichols, Silva Jewel Nichols, Della May Scott, Emma Scott, Orin M. Nichols, Amanda Nichols, Myrtle Nichols, Lonie Nichols, James W. Nichols, Osa Nichols, Cora Lee Nichols, and Maggie Angel be enrolled as citizens of the Choctaw Nation.

All of the above petitioners, with the exception of Ollie McCarty, Lita Lois Scott, Daphne Myrtle Nichols and Teddy Golden Johnston, are identical with the applicants for whom application has been made for enrollment as citizens of the Choctaw Nation.

On April 16, 1906, the principal petitioners, their attorneys, Cruce, Cruce & Blackburn, of Ardmore, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, of South McAlester, Indian Territory, were advised that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday, May 14, 1906, at nine o'clock A. M., hear such testimony and receive such other evidence as might be submitted by the petitioners in support of their applications for enrollment as citizens of the Choctaw Nation, and by the attorneys for the

Choctaw and Chickasaw Nations.

On April 16, 1906, William M. Brown, father of Susie Brown, Cruce, Cruce & Bleakmore, attorneys for said Susie Brown, and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, were advised that on April 6, 1906, the Department set aside the decision rendered by the Commission on March 30, 1906, and returned the record in said case with instructions that a full investigation be made of the rights of said Susie Brown to enrollment as a citizen by blood of the Choctaw Nation; that the testimony of creditable witnesses be required showing her Choctaw blood, if any, the time and place of her birth, her various residences, her ancestors, the privileges, if any, enjoyed by her and her parents as citizens of the Choctaw Nation; and notified that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday, May 14, 1906, at nine o'clock A. M., hear such testimony and receive such other evidence as might be submitted in support of said application, investigation to be conducted along the lines indicated by Department letter above referred to.

On Motion of Attorney for applicants, the hearing in the matter of the above application was continued on April 26, 1906, to May 21, 1906.

On May 21, 1906, proceedings were had in the matter of said applications in pursuance to the notices above mentioned.

It appears from the record herein that the applicants, William M. Brown, Caswell M. Brown, Polly Ann Peck, George G. Brown, Nancy A. Brown, and Bettie McCarty, are the children of the principal applicant, William B. Brown, and Rebecca Cooper (now deceased), who is alleged to have been a Choctaw Indian, and the daughter of William Cooper, who was the son of Johnny

Cooper, an alleged Choctaw Indian, who resided near the line between the states of Tennessee and Mississippi; that Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie), Hudson, Alice Brown, George Brown, Susie Brown, Fannie C. Brown and Willie Clarence Brown, are the children of the applicants William M. Brown and Nancy J. Brown, (the latter an applicant for intermarried rights); that William Erman, Oscar Lee and Teddy Golden Johnston are the children of the applicant, Sarah Johnston, and J. A. Johnston, a non-citizen; that Minnie Gertrude, Henry Hiton and Pubie Dill Brown are the children of the applicants, Becky Brown and Eli W. Brown, (the latter an applicant for intermarried rights); that Roy Lester and Edna Arvel Johnston are the children of the applicant, Mary Johnston, and Jack J. Johnston, a non-citizen; that Maudie, Willie, Elbert Knightington, and Annie Jewell Brown, are the children of the applicant, Caswell M. Brown and Amanda Brown (the latter an applicant for intermarried rights); that Florence, Oscar, Benjamin, Andrew, Otis Dewey Virgie and Prebble Peck are the children of the applicant, Polly Ann Peck and Andrew J. Peck (the latter an applicant for intermarried rights); that Willie Emma, Cassie and Goldie Brown are the children of the applicants, George G. Brown and Sarah Brown (the latter an applicant for intermarried rights); that Mary Ethel, William A. and Ollie McCarty are the children of the applicant Hattie McCarty and Oliver McCarty, a non-citizen; that James B. Nichols and Orin V. Nichols are the children of Wilson Nichols (now deceased), a non-citizen, and Delitha Cooper (now deceased), who is alleged to have been a Choctaw Indian and the daughter of John Cooper, above referred to; that John W. B. Nichols, Della May Scott and Nancy V. Nichols are the children of the applicant, James W. Nichols,

and Nancy C. Nichols (the latter an applicant for intermarried rights); that Louie Herman, Golda Ula and Sylvie Jewel Nichols are the children of the applicant, John W. B. Nichols and Bessie Nichols (the latter an applicant for intermarried rights); that Nema May and Lita Lois Scott are the children of the applicant, Della May Scott, and Burris Scott, a non-citizen; that James W., Maggie M., Mattie Myrtle and Lonie A. Nichols are the children of the applicant, Orin M. Nichols and Amanda M. Nichols (the latter an applicant for intermarried rights); and that the applicant, Cora Lee and Daphne Myrtle Nichols, are the children of the applicants, James W. Nichols and Osa Nichols (the latter an applicant for intermarried rights).

The applicant, William B. Brown, claims his right to citizenship in the Choctaw Nation by the virtue of his marriage on February 10, 1858, under the laws of the state of Arkansas, to Becky Cooper (now deceased); that Nancy Brown claims her right to enrollment as a citizen by intermarriage by virtue of her marriage to the applicant, William B. Brown, on September 21, 1879; that Eli W. Brown claims his right to enrollment as a citizen by intermarriage by virtue of his marriage on August 21, 1898, under the laws, customs and usages of the Chickasaw Nation to the applicant, Becky Brown, both of said applicants being at said time residents in good faith of the Chickasaw Nation; that Amanda Brown claims her right to enrollment as a citizen by intermarriage by virtue of her marriage on December 2, 1886, to the applicant, Caswell M. Brown; that Andrew J. Peck claims his right to enrollment as a citizen by intermarriage by virtue of his marriage on December 13, 1887, under the laws of the state of Arkansas to the applicant, Polly A. Peck; that Sarah Brown claims her right to enrollment as a citizen by intermarriage by virtue of her mar-

riage to George G. Brown on June 9, 1898; that the applicant, Nancy C. Nichols, claims her right to enrollment as a citizen by intermarriage by virtue of her marriage to the applicant, James B. Nichols, on March 9, 1873; that the applicant, Bessie Nichols, claims her right to enrollment as a citizen by intermarriage by virtue of her marriage on September 11, 1898, to the applicant, John W. B. Nichols; that Amanda M. Nichols claims her right to enrollment as a citizen by intermarriage by virtue of her marriage on October 20, 1878, to the applicant, Orin M. Nichols; and that Osa Nichols, claims her right to enrollment as a citizen by intermarriage by virtue of her marriage on April 27, 1899, to the applicant, James W. Nichols.

It does not appear from the record herein or from the records in the possession of this office that the applicant, Andrew J. Peck, has ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, nor has said applicant ever been married to Polly Ann Peck, through whom he claims his intermarried rights, by virtue of a license issued by the tribal authorities of either the Choctaw or Chickasaw Nation.

At the hearing before the Commissioner to the Five Civilized Tribes on May 21, 1906, William M. Brown, Caswell M. Brown, James B. Nichols, and Orin M. Nichols testified that in 1894 they, together with the other applicants herein who were living at said time, petitioned the Choctaw Council for admission as citizens of the Choctaw Nation; that no action having been taken thereon, they,

in 1896, appeared before the Choctaw Census Commission and made application to be enrolled upon the 1896 Choctaw Census Roll; and that some time in January, 1897, they received a certificate from the Secretary of the Choctaw Revisory Board, wherein it appeared that they had been enrolled upon the 1896 Choctaw Census Roll. Said applicants further testified that prior to 1896 they had been permitted to issue permits for their tenants, held lands, and were not subject to any tribal tax which was due from all non-citizens who were engaged in the mercantile business.

On June 4, 1906, John W. Gamblin testified that he was acquainted with the applicants herein, and that in October, 1894, he having business before the Choctaw Council, presented on behalf of the applicants herein who were living at that time, a petition praying that they be admitted as citizens of the Choctaw Nation, and that he does not know what action, if any, was ever taken thereon.

Upon an examination of the tribal rolls of the Choctaw Nation in the possession of this office, it appears that the applicants, William B. Brown, William M. Brown, Nancy J. Brown, Caswell M. Brown, Amanda Brown, Polly Ann Peck, Andrew J. Peck, George G. Brown, Sarah Brown, Nancy A. Brown, Nettie McCarty, Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie) Hudson, Alice Brown, George Brown, Susie Brown, Maudie Brown, Willie Brown, Florence Peck, Oscar Peck, Benjamin Peck, Andrew Peck, James B. Nichols, Nancy C. Nichols, Orin M. Nichols, Amanda M. Nichols, John W. B. Nichols, Della May Scott, Nancy V. Nichols, James W. Nichols, Maggie M. Nichols, Nettie Myrtle Nichols and Lonie A. Nichols, are identified upon the 1896 Choctaw Census Roll opposite numbers 1688, 1691, 1692, 1701, 1702, 10518, 10517, 1708, 1706, 1689, 1690, 1693, 1694, 1695, 1696, 1697, 1698, 1699,

1703, 1704, 10819, 10820, 10821, 10822, 9803, 9808, 9812, 9813, 9809, 9810, 9811, 9814, 9815, 9816, and 9817, respectively.

It further appears from the record herein that all of the applicants that were living on June 28, 1898, were residents in good faith of the Indian Territory on said date.

The evidence in this case further shows that the applicant, Daphne Myrtle Nichols, died on June 27, 1901.

I am of the opinion that in accordance with the opinions of the Assistant Attorney General for the Department of the Interior of February 10, 1905 (I.T. D. 10383-1904) and December 6, 1905 (I.T.D. 3693-1905), in the case of Lula West, the action of the Commission to the Five Civilized Tribes, and the subsequent action of the United States Court for the Southern District of Indian Territory, and the Choctaw and Chickasaw Citizenship Court upon the right of the applicants who applied to the Commission to the Five Civilized Tribes in 1896, with the exception of Andrew J. Peck, was without authority of law, and of no force and effect upon the status of said applicants as citizens of the Choctaw Nation.

I am further of the opinion that the orders of the Commission to the Five Civilized Tribes of December 12, 1904 and March 18, 1905, dismissing the applications for the enrollment of Mary E. McCarty, William Erman Johnston, Minnie Gertrude Brown, Fannie C. Brown, Henry Nixon Brown, Elbert Knightington Brown, Otis Dewey Peck, Virgie Peck, Louis Herman Nichols and Golda Ula Nichols as citizens by blood of the Choctaw Nation, and Eli W. Brown, Bessie Nichols and Ora Nichols as citizens by intermarriage of the Choctaw Nation, should be rescinded.

I am further of the opinion that in accordance with the

opinions of the Assistant Attorney General for the Department of the Interior of March 3, 1906 (I.T.D. 187-1905) and March 10, 1906 (I.T.D. 9969-1905), Nancy A. Brown, Bettie McCarty, Mary Ethel McCarty, William N. Brown, Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie) Hudson, Alice Brown, George Brown, Susie Brown, William Erman Johnston, Minnie Gertrude Brown, Henry Niten Brown, Vannie C. Brown, Caswell M. Brown, Maudie Brown, Willie Brown, Elbert Knightington Brown, Polly A. Peck, Florence Peck, Oscar Peck, Benjamin Peck, Andrew Peck, Otis Dewey Peck, Virgie Peck, George G. Brown, Willie Emma Brown, James B. Nichols, Della May Scott, Nancy V. Nichols, John W. B. Nichols, Louie Herman Nichols, Golda Vla Nichols, Orin M. Nichols, James W. Nichols, Maggie M. Nichols, Nettie Myrtle Nichols and Lonie A. Nichols should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that William B. Brown, Nancy Brown, Eli W. Brown, Amanda Brown, Sarah Brown, Nancy C. Nichols, Bessie Nichols, Amanda E. Nichols, and Osa Nichols should be enrolled as citizens by intermarriage of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the application made for the enrollment of Andrew J. Peck as a citizen by intermarriage of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

I am further of the opinion that William A. McCarty, Ollie McCarty, Oscar Lee Johnston, Willie Clarence Brown, Roy Lester Johnston, Edna Arvel Johnston, Teddy Golden Johnston, Rubie Bill Brown, Annie Jewell Brown, Prebble Peck, Cassie Brown, Goldie Brown, Noma May Scott, Lita Lois Scott, Sylvie Jewel Nichols and Cora Lee Nichols should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (Public No. 129), and it is so ordered.

I am further of the opinion that the application made for the enrollment of Daphne Myrtle Nichols as a citizen by blood of the Choctaw Nation should be dismissed, and it is so ordered.

Muskogee, Indian Territory,
Aug. 13, 1906.

Tams Bixby,

COMMISSIONER.

D.O.M.

J.W. M.
W.C.N.
JW.L.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

GWW
File-S-51.

March 1, 1909.

The Commissioner
to the Five Civilized Tribes,

Sir:

January 2[illegible], 1909, you were advised that the names of certain persons were inadvertently included in Departmental letter of January 19, 1909 (File S-51); that such mistake was due to the fact that it was supposed they were enrolled upon schedules approved by the Department, when in fact, the only schedules upon which their names appear were disapproved, and that no action should be taken under the circumstances looking to the erasure of interlineations or notations, if any, from the disapproved schedules, in connection with their names.

The names of the persons referred to in said letter of January 25, 1909, are as follows:

Cherokee by Blood.

Roll No.	
16103	Elizabeth Allen.
16112	George A. Bumgarner.
16110	Lentitia Crutchfield.
16106	Everett Crutchfield.

16111	George W. Crutchfield
16106	Ida Crutchfield,
16107	Ina Crutchfield,
16108	Louvinia Crutchfield
16109	William Crutchfield,
921	Josephine Lafleve Long,
922	Kake Lafleve Long.
16104	David Ritter

It now appears from the records of the Secretary's Office that there was a schedule approved May 21, 1904, by the Secretary of the Interior, and that the approval, then given was cancelled by said Secretary at a later date, towit, June 28, 1904.

The name of Elizabeth Allen appears upon the schedule which was approved May 21, 1904, opposite the number 15851. Ida Crutchfield's name appears opposite No. 15853, while the other members of the Crutchfield family were given the numbers immediately following that assigned to her.

You are requested to cause a report to be prepared showing whether the records of your office also show that an earlier schedule containing the names of said persons was approved May 21, 1904; also whether such approval was cancelled June 28, 1904. Please report also the reason for the attempted cancellation, and whether prior notice as given thereof.

It appears further that, in connection with the names of Elizabeth Allen and the Crutchfield family on the roll approved May 31, 1904, the names of Arbelia Richman, Ida M. Southard and Grover Randall are also to be found.

In connection with said names, it is desired that you will report what action, in your opinion, should be taken concerning the first of said persons; also whether the said Ida M. Southard and Grover Randall, respectively, are identical with the Ida M. Southard whose name appears opposite No. 15020 in the printed rolls of citizens by blood of the Choctaw Nation, and the Grover Randall whose name appears on page 6 of Departmental letter of January 19, 1909 (File 8-81), opposite No. 15028.

As appears from the above list, there were other persons besides the said Allen and Crutchfields whose names were enrolled on schedules which were finally disapproved by the Department: for example, George A. Dungarner, Josephine Leflore Long and Jake Leflore Long.

Please report whether the names of these persons appear upon any prior approved schedule; also why it was that the Commissioner to the Five Civilized Tribes enrolled them upon the schedule which was disapproved by the Department, showing whether the Commissioner enrolled them thereon, of his own motion, or under decision or instructions from the Department.

By comparison of the roll approved May 31, 1904, with the printed rolls of Choctaws by blood, the Department

finds that the numbers appearing thereon opposite the names of said persons were subsequently assigned to other citizens of the Choctaw Nation; thereby the series of roll numbers was kept perfect, but a material portion of the rolls was evidently sacrificed upon the supposition that it had become worthless. Inquiry arises in this connection as to whether there were other approved schedules which were subsequently disapproved and thrown aside. Accordingly, it is desired that you also cause a report to be prepared covering this feature of the matter, showing all persons embraced in similar cases, with recommendation as to what action should be taken as to them. This will necessitate a statement as to why their names were stricken or cancelled from the rolls, and whether such action was taken without prior notice.

There is still another matter concerning which the Department desires report to be made. It is observed that the words "No person enrolled at this number" are to be found not infrequently opposite consecutive numbers on the pages of the printed rolls; and you are requested to advise the Department whether such words were substituted for the names of individuals appearing on disapproved schedules, and if such is the case, whether such disapproved schedules were approved at any time by the Department; also whether favorable decisions were ever rendered by the Department as to such persons prior to their enrollment upon such disapproved schedules.

For the sake of expedition, a partial report should be rendered at once concerning the said Elizabeth Allen and the various members of the Strickfield family named above. The other matters referred to herein can be disposed of by subsequent reports.

Very respectfully,

James R. Wilson,

Assistant Secretary.

Through the

Indian Office.

Land
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17077-09

JEM

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, D.C. Feb. 5, 09

Respectfully referred to the Commissioner to the Five Civilized Tribes, for appropriate action.

John Frances, Jr.
Acting Chief Land Division.

1 letter dated Feb 1, 09.

D 660-1909.

Muskogee, Oklahoma, April 20, 1909.

Subject:

Reporting report relative to petition of Wm. B. Brown, et al, for enrollment as citizens of the Choctaw Nation.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Indian Office letter of April 9, 1909 (Land 27909-1908) transmitting petition of Wm. B. Brown, et al, for enrollment as citizens of the Choctaw Nation. This office is also requested to report specially whether the names of any of the persons in this petition appeared upon any tribal rolls of the Choctaw Nation or upon any roll prepared by the Commission to the Five Civilized Tribes and approved by the Secretary of the Interior.

March 1, 1909, the Department also addressed a letter to this office requesting reports as to all persons whose names may have been upon disapproved schedules and at whose numbers in the printed rolls appears the notation "No person enrolled at this number."

Secretary 2

The case of William H. Brown is one of the cases referred to in Departmental letter of March 1, 1900 and the report is made to the Secretary of the Interior, through the Indian Office, with the view of complying with both requests.

I have the honorto report as follows, relative to the case of William H. Brown and the other members of his family who were included in the decision in the consolidated Choctaw case of William H. Brown, et al.:

It appears from the records of this office that on September 9, 1896, in the case entitled Nancy Cooper et al, versus the Choctaw Nation, 1896 Choctaw Citizenship Case Number 1414, original application was made to the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved June 10, 1896 (29 Stat.,321), for admission to citizenship in the Choctaw Nation of the applicants, Nancy A. Brown (as Nancy Ann Brown), Dottie Mc Carty (as Rebecca Elizabeth Brown), William H. Brown (as William Wiley Brown), Sarah Johnston (as Sarah Elizabeth Brown), Betty Brown (as Rebecca Catherine Brown), Mary Brown (as Mary Arrilla Brown), Mamie (or Minnie) Hembree (as Minnie Ann Brown), Alice Brown, George Brown (as George Montgomery Brown), Emmett M. Brown, Maudie Brown (as Maudy M. Brown), Willie Brown (as William C. Brown,) Polly A. Peek (as Polly Ann Peek, Florence

Pook (as Minnie V. Pook), Oscar Pook (as Oscar S. Pook), Benjamin Pook (as Benjamin G. Pook), Andrew Pook, George G. Brown, Willis Brown, James B. Nichols (as James Bruton Nichols), Della May Scott (as Mary Della May Nichols), Nancy V. Nichols (as Nannie Velma Nichols), John W. B. Nichols (as John William Bethnel Nichols), Orin N. Nichols (as Orrin Mayberry Nichols), James W. Nichols (as James Willis Nichols), Maggie M. Nichols (as Maggie May Nichols), Nettie Myrtle Nichols, Lessie A. Nichols (as Lessa Alta Nichols), as citizens by blood, and for the admission of William B. Brown, Nancy J. Brown (as Nancy Jane Brown), Amanda Brown, Andrew J. Pook (as A. J. Pook), Sarah Brown, Nancy C. Nichols (as Nancy Caroline Nichols), and Amanda M. Nichols (as Amanda Melvina Nichols), as citizens by intermarriage of said nation; and that on December 8, 1896, said Commission rendered its decision denying the applications for citizenship of the above named persons.

From this decision of the Commission an appeal was taken to the United States Court for the Southern District of Indian Territory, which court on December 20, 1897, in the case entitled Nancy J. Cooper, et al. versus the Choctaw Nation, Case Number 96 on the Citizenship Docket, admitted Nancy A. Brown (as Nancy Alice Brown), Nettie McCarty (as Nettie Brown), Sarah Johnston (as Sarah Brown), Becky Brown,

Mary Brown, Mamie (or Minnie) Hudson (as Mamie Brown), Alice Brown, George Brown, Susie Brown, Caswell M. Brown (as Caswell Marion Brown), Mandie Brown, Willie Brown, Polly A. Peak (as Polly Ann Peak,) Florence Peak, Oscar Peak, Benjamin Peak (as Benjamen Grant Peak), Andrew Peak, George S. Brown, Willie Rose Brown, James D. Nichols (as James Bruten Nichols,) Della May Scott (as Dell May Nichols), Nancy V. Nichols (as Nancy Velmer Nichols), Orin M. Nichols (as Orin Mayberry Nichols), James W. Nichols (as James Willis Nichols), Maggie M. Nichols (as Maggie May Nichols), Nettie Myrtle Nichols (as Myrtle Nichols), and Lonie A. Nichols (as Lonie Ada Nichols) as citizens by blood of the Chester Nation, and William B. Brown (as William Binford Brown), Andrew J. Peak (as Andrew Jackson Peak) and Nancy Nichols (as Nancy Caroline Nichols) as citizens by intermarriage of said Nation, and denied the applications for the admission of Nancy J. Brown (as Nancy Jane Brown), Sarah Brown and Amanda M. Nichols (as Amanda Melvina Nichols) as citizens by intermarriage of the Chester Nation.

The name of the applicant, Susie Brown, was interpolated in the judgment of said court, she not having been an applicant before the Commission to the Five Civilized Tribes in 1896.

March 14, 1906, this case again came before the United States Court upon a motion of the plaintiffs' attorneys to

correct the judgment of said court rendered December 20, 1897, and the court thereupon ordered said judgment corrected so as to admit the applicants, Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, AmandaM. Nichols (as Amanda Melvina Nichols) as citizens by intermarriage of the Choctaw Nation.

September 28, 1898, said court rendered a supplemental judgment admitting Amanda Brown as a citizen by intermarriage of the Choctaw Nation.

January 17, 1900, this cause again came before the court upon a motion of the defendant to strike out of the judgment theretofore rendered certain names improperlyadmitted to citizenship, and the court ordered that the names of Susie Brown, Andrew J. Peak (as Andrew JacksonPeak), Bettie McCarty (as Bettie Brown), and Becky Brown be stricken from said former judgment.

Subsequently, upon the representation of the plaintiff's attorneys that certain persons who were original applicants were by oversight or mistake left out of the original judgment theretofore rendered, the court ordered that the applicants, Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, Amanda Brown, Amanda M. Nichols and Rebecca E. Brown be admitted to citizenship in the Choctaw Nation.

December 17, 1902, the Choctaw and Chickasaw Citizenship

Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stat.,641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Southern District of the Indian Territory.

The record in this case was subsequently certified to the Choctaw and Chickasaw Citizenship Court for a trial de novo, which court, November 29, 1904, in the case entitled William Meighion Brown, et al., versus the Choctaw and Chickasaw Nations, Number 93 on the Tishomingo Docket, ordered, adjudged and decreed that the citizenship of the plaintiffs be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom.

December 12, 1904, orders were entered of record by the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of Mary E. McCarty, William Erman Johnston, Minnie Gertrude Brown, Henry Hilton Brown, Albert Knightington Brown, Otis Dewey Peek, Virgie Peek, Louie Herman Nichols and Golda Ula Nichols as citizens by blood of the Choctaw Nation and March 18, 1905, an order was entered of record dismissing the application for the enrollment of Fannie C. Brown as a citizen by blood of said nation

Secretary 7

for the reason that the parents of these children had been denied by a decree of the Choctaw and ChickasawCitizenship Court.

December 12, 1904, orders were entered of record by the Commission dismissing the applications for the enrollment of Eli V.Brown, Bessie Nichols and Osa Nichols as citizens by intermarriage of the Choctaw Nation for the reason that the parents through whom they claimed their rights had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

March 30, 1905, the Commission to the Five Civilized Tribes denied the application for the enrollment of Essie Brown as a citizen by blood of the Choctaw Nation, and on April 6, 1906 (I T D 3810-1905) the Department set aside this decision of the Commission and returned the record to this office forinvestigation upon its merits.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes of January 2, 1906, there were filed on February 6, 1906, by Cruce, Cruce & Blackmore, attorneys for the petitioners, Ardmore, Indian Territory, petitions praying that William B. Brown, Nancy A. Brown, Minnie Madison, Sarah Johnston, Oscar Lee Johnston, William Ernest Johnston, Rebecca Brown, Minnie Gertrude Brown, Henry

Niton Brown, Rubie Dill Brown, Eli W. Brown, Mary A. Johnston, Roy Lester Johnston, Edna A. Johnston, Rebecca McCarty, William A. McCarty, Mary E. McCarty, William M. Brown, Nancy Jane Brown, George Brown, Alice Brown, Susie Brown, Cletus Brown, Clarence Brown, A. J. Peck, Polly Ann Peck, Minnie Peck, Oscar Sherman Peck, Benjamin Grant Peck, Andrew Peck, O. D. Peck, Virgie Peck, Prebble Peck, C. M. Brown, Anna May Brown, Maudy Brown, Willie Brown, Elbert K. Brown, Annie Jewel Brown, George G. Brown, Sarah Brown, Willie Emma Brown, Cassie Brown, Goldie Brown, J. B. Nichols, Nancy Nichols, Selma Nichols, John W. B. Nichols, Bessie Deaton Nichols, Louie Herman Nichols, Golda Eula Nichols, Silva Jewel Nichols, Delia May Scott, Wesa Scott, Orin M. Nichols, Amanda Nichols, Myrtle Nichols, Lonie Nichols, James W. Nichols, Osa Nichols, Cora Lee Nichols and Maggie Angel be enrolled as citizens of the Choctaw Nation.

April 18, 1906, the principal petitioners, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations, were advised that a hearing would be had in this matter at the office of the Commissioner to the Five Civilized Tribes, Muskogee, Indian Territory, Monday, May 14, 1906, at nine o'clock A. M. and on the same date, William M. Brown, father of Susie Brown, Grace, Grace A Blackmore, and Mama-

field, McMurray & Cornish, were advised that on April 6, 1906, the Department had set aside the decision of the Commission to the Five Civilized Tribes of March 30, 1905, and returned the record with instructions that a full investigation be made of the rights of the said Susie Brown to enrollment as a citizen by blood of the Choctaw Nation, and that such testimony and evidence would be received at the date of the hearing on the petition.

On Motion of attorneys for applicants the hearing was continued until May 21, 1906, on which date proceedings were had in the matter of said petition in pursuance to the notices above mentioned.

At the hearing William H. Brown, Caswell H. Brown, James R. Nichols and Orin M. Nichols testified that in 1894, they, together with the other applicants herein who were living at that time, petitioned the Choctaw Council for admission as citizens of the Choctaw Nation; that no action having been taken by the Council as to their case they, in 1895, appeared before the Choctaw Census Commission and made application to be enrolled upon the 1896 Choctaw Census Roll; that some time in January, 1897, they received a certificate from the Secretary of the Choctaw Revisory Board, wherein it appeared that they had been enrolled upon the 1896 Choctaw Census Roll,

Secretary 10

It appears that the applicants, William B. Brown, William H. Brown, Nancy J. Brown, Caswell M. Brown, Amanda Brown, Polly Ann Peck, Andrew J. Peck, George S. Brown, Sarah Brown, Nancy A.Brown, Bettie McCarty , Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie) Hudson, Alice Brown, George Brown, Susie Brown, Mandie Brown, Willie Brown, Florence Peck, Oscar Peck, Benjamin Peck, Andrew Peck, James B. Nichols, Nancy C. Nichols, Orin M. Nichols, AmandaM. Nichols, John W. B. Nichols, Lulia May Scott, Nancy V. Nichols, James W. Nichols, Maggie M. Nichols, Mattie Myrtle Nichols and Louis A. Nichols are identified upon the 1896 Census Roll of the Choctaw Nation, Blue County.

August 13, 1906, the Commissioners to the Five Civilized Tribesrendered a decision, in accordance with the opinion of the Assistant Attorney General for the Department of the Interior of February 10, 1905(I T D 10353-1904) and December 8, 1905 (I T D 3693-1905) in the case of Lula West, holding that the action of the Commission to the Five Civilized Tribes and the subsequent action of the United States Court for the Southern District of Indian Territory and the Choctaw and Chickasaw Citizenship Court upon the right of the applicants who applied to said Commission in 1896, with the exception of Andrew J. Peck, was without authority of law,

and of no force and effect upon the status of said applicants as citizens of the Choctaw Nation.

He also rescinded the orders of the Commission to the Five Civilized Tribes of December 12, 1904, and March 16, 1905, dismissing the applications for the enrollment of Mary E. McCarty, William Erman Johnston, Minnie Gertrude Brown, Fannie C. Brown, Henry Niten Brown, Elbert Knightington Brown, Otis Dewey Peck, Virgie Peck, Louie Herman Nichols and Golda Ula Nichols as citizens by blood of the Choctaw Nation and Eli W. Brown, Bessie Nichols and Osa Nichols as citizens by intermarriage of the Choctaw Nation.

The Commissioner to the Five Civilized Tribes further held, in accordance with the opinions of the Assistant Attorney General for the Department of the Interior of March 3, 1905 (I T D 187-1905) and March 10, 1906 (I T D 9968-1905) that Nancy A. Brown, Bettie McCarty, Mary Ethel McCarty, William H. Brown, Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie) Hudson, Alice Brown, George Brown, Susie Brown, William Erman Johnston, Minnie Gertrude Brown, Henry Niten Brown, Fannie E. Brown, Caswell M. Brown, Maudie Brown, Willie Brown, Elbert Knightington Brown, Polly A. Peck, Florence Peck, Oscar Peck, Benjamin Peck, Andrew Peck, Otis Dewey

Secretary 12

Peck, Virgie Peck, George T. Brown, Willie Emma Brown, James E. Nichols, Della May Scott, Nancy V. Nichols, John W. E. Nichols, Vennie Herron Nichols, Golda Ula Nichols, Orin M. Nichols, James W. Nichols , Maggie M. Nichols, Mattie Myrtle Nichols and Lonie A. Nichols should be enrolled as citizens by blood and William B. Brown, Nancy Brown, Eli W. Brown, Amanda Brown, Sarah Brown, Nancy S. Nichols, Bessie Nichols, Amanda M. Nichols and Ora Nichols as citizens by intermarriage of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stat.,495) and July 1, 1902 (32 Stat.,641).

The applications for the enrollment of William A. McCarty, Ollie McCarty, Oscar Lee Johnston, Willie Clarence Brown, Roy Lester Johnston, Edna Arvel Johnston, Teddy Golden Johnston, Bubie Dill Brown, Annie Jewell Brown, Prebble Peck, Cassie Brown, Goldie Brown, Emma May Scott, Lita Lois Scott, Sylvia Jewel Nichols and Cora Lee Nichols were also granted under the provisions of the Act of Congress approved April 26, 1906 (34 Stat.,137).

The application for the enrollment of Andrew J. Peck as a citizen by intermarriage was denied and the application for the enrollment of Daphne Myrtle Nichols as a citizen by blood of the Choctaw Nation was dismissed.

Secretary's 3

August 14, 1906, the record in this case, together with the decision of August 13,1906, was transmitted to the Department.

February 7, 1907, there were transmitted to the Secretary of the Interior schedules of citizens by blood and marriage of the Choctaw Nation containing the names of the persons who were favorably passed upon by the Commissioner to the Five Civilized Tribes August 13, 1906, in the Choctaw enrollment case of William B. Brown, et al., as follows:

Citizens by blood	Nos. 1611 to 1618,	inclusive
Citizens by marriage	Nos. 1637 to 1645,	inclusive
Minor citizens by blood	Nos 857 to 872,	inclusive

This case was analogous to the case of Mattie Shockley, et al. (Keula West case) in which this office had been directed to suspend action until the Attorney General had passed upon the questions involved in that case, but inasmuch as the time within which persons could be enrolled and their enrollment approved by the Secretary of the Interior under the provisions of the Act of Congress approved April 26, 1906, was becoming very short, the schedules above described were prepared by this office without waiting for the opinion of the Attorney General and were forwarded to the Department in order that, if the opinion of the Attorney General were favorable, the rights of these applicants might be protected without

delay, and this office requested, in the event of such favorable opinion of the Attorney General, that these schedules be approved by the Secretary of the Interior.

February 26, 1907, referring to Departmental letter of February 23, 1907 (I T D 4364-1907) requesting this office to forward a list of those persons whose enrollment should be cancelled in view of the opinion of the Attorney General of February 19, 1907 in the Choctaw enrollment cases of Loula West and William C. Thompson , the Commissioner to the Five Civilized Tribes called the attention of the Department to the schedules above described which were forwarded February 7, 1907, and advised that this case was analogous to the case of Loula West. It was, therefore, recommended that the decision of August 13, 1906, be not approved by the Department and that the schedules transmitted with office letter of February 7, 1907, be disapproved by the Secretary of the Interior.

February 28, 1907 (Land 71868-1906, 2220, 14418-1907) the Indian Office forwarded to the Department the record in the case of William R. Brown, et al. together with the schedules transmitted February 7, 1907, and recommended, in view of the opinion of the Attorney General of February 19, 1907, that the decision of the Commissioner of August 13, 1906, in

so far as it was favorable to the applicants, be reversed and the schedules disapproved, which was done by the Department March 1, 1907 (I T D 5742-1907).

This office has no record of any favorable decision of the Department as to the persons included in this consolidated case.

No formal allotments were made to the persons included in this case but applications were made on their behalf for certain lands which were involved in Chickasaw contest cases. Subsequent to March 4, 1907, these contests were dismissed and on August 31, 1907, a motion to reinstate said contests was denied.

August 29, 1907, the Department advised this office that by letter of August 4, 1907, counsel for the claimants in the case of William B. Brown, et al. requested that the order of the Department of June 14, 1907, in the case of William C. Thompson and others, suspending action on claims to allotments of lands be made applicable to them.

September 20, 1907, this office reported that it did not appear that the claimants in the case of William B. Brown, et al. possessed the same status as the claimants in the case of William C. Thompson, et al. as their names had never been upon an approved roll, but that it appeared they occupied

the same status as the persons included in the case of John W. Gamblin and the case of Angus A. Spring.

October 12, 1907 (I T 77803-1907) the Indian Office held that the action of the Commissioner to the Five Civilized Tribes in dismissing the contests on behalf of these claimants, and in refusing to reinstate the same, was proper and recommended that he be advised that all applications for allotments on behalf of these persons should be denied and this recommendation was approved by the Department October 14, 1907.

Following these instructions of the Department the lands in contest were awarded to the contestees, and patents therefor were recorded and delivered to them. It is believed, therefore, that these persons, in the event of a favorable decision relative to their enrollment, could not recover the land referred to, and if they are holding or claiming other land this office has no record of such claim.

If they are now in possession of other lands in the Choctaw and Chickasaw Nations, this office will , however, upon the receipt of descriptions thereof, make a record of their claim to the land, pending further action by the Department.

I have further to report that the record in this case is full and complete and it is believed the applicants could

Secretary 17

add nothing material thereto at this time, and that it would work an unjustifiable hardship upon them to notify them now to appear and give further testimony in this case and force upon them the expense of a hearing at this office.

I have not, therefore, forwarded the notices referred to in Departmental letter of March 15, 1909 and Indian Office letter of April 9, 1909, but will await specific instructions from the Department as to its wishes in the matter in accordance with my request of April 14, 1909, in the Mattie Shedley case.

If it is the desire of the Department that notices be forwarded in this case, however, this office will proceed to notify the applicants thereof immediately upon receipt of advice from the Department and will make supplemental report after their replies have been received.

The petition inclosed with Indian Office letter of April 9, 1909, is herewith returned.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.
AB

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J.E.D

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS
Washington. June 25, 1909

Enrollment case of
Wm. B. Brown et al.

The Commissioner
to the Five Civilized Tribes,
Muskogee, Oklahoma.

Sir:

Referring to your report of April 20, 1909, relative to the consolidated Choctaw enrollment case of William B. Brown et al., you are advised, that on June 15, 1909, the Department held that the case mentioned was not analogous to that of John E. Goldsby, and did not come within the principles announced by the Supreme Court of the United States in that case, (211 U. S. 249). The Department, therefore declined to take any action looking to the enrollment of any of the applicants in the consolidated case of William B. Brown et al.

A copy of approved Office letter of May 17, 1909, is inclosed for your further information.

You are requested to notify the parties in interest.

Very respectfully,

J. H. Dertch,
Acting Chief Clerk.

MRH-19
2538.

D-7339

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
Washington.

G.R.
J.W.
J.F. Jr.
W.R.L.

Land
51790-1909
J E D

Enrollment case of
Wm. B. Brown et al.

May 17, 1909

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of March 1, 1909, there is transmitted herewith a report dated April 20, 1909, from the Commissioner to the Five Civilized Tribes, relative to the enrollment case of William B. Brown et al. The history of the claim is set out fully in the reports enclosed.

The record shows, among other things, that on August 13, 1906, the Commissioner to the Five Civilized Tribes rendered a decision that Nancy A. Brown, Bettie McCarty, Mary Ethel McCarty, William M. Brown, Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie) Hudson, Alice Brown, George Brown, Susie Brown, William Erman Johnston, Minnie Gertrude Brown, Henry Niten Brown, Fannie C. Brown, Caswell M. Brown, M Maudie Brown, Willie Brown, Elbert Knightington Brown, Polly A. Peck, Florence Peck, Oscar Peck, Benjamin Peck, Andrew Peck, Otis Dewey Peck, Virgie Peck, George G. Brown, Willie Emma Brown James B. Nichols, Della May Scott, Nancy V. Nichols, John W.

B. Nichols, Louie Herman Nichols, Golda Ula Nichols, Orin M. Nichols, James W. Nichols, Maggie M. Nichols, Mettie Myrtle Nichols and Lonie A. Nichols should be enrolled as citizens by blood and William B. Brown, Nancy Brown, Eli W. Brown, Amanda Brown, Sarah Brown, Nancy C. Nichols, Bessie Nichols, Amanda M. Nichols and Osa Nichols as citizens by intermarriage of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stat. L. 495) and July 1, 1902 (32 Stat., L. 641).

The applications for the enrollment of William A. McCarty, Ollie McCarty, Oscar Lee Johnston, Willie Clarence Brown, Roy Lester Johnston, Edna Arvel Johnston, Teddy Golden Johnston, Rubie Dill Brown, Annie Jewell Brown, Prebble Peck, Cassie Brown, Goldie Brown, Nema May Scott, Lita Lois Scott, Sylvie Jewel Nichols and Cora Lee Nichols were also granted under the provisions of the Act of Congress approved April 26, 1906 (34 Stat. L. 137).

The application for the enrollment of Andrew J. Peck as a citizen by intermarriage was denied and the application for the enrollment of Daphne Myrtle Nichols as a citizen by blood of the Choctaw Nation was dismissed.

It appears that on August 14, 1906, the record in the case, together with the decision, was forwarded by the Com-

missioner to the Five Civilized Tribes, and that on February 7, 1907, he transmitted to the Department schedules of citizens of the Choctaw Nation by blood and by marriage, containing the names of persons who were favorably passed upon by him in his decision of August 13, 1906, in this case. It appears also that on February 26, 1907, the Commissioner, referring to Department letter of February 23, 1907, invited the Departments attention to the above-mentioned schedules, and to the Choctaw enrollment case of William B. Brown, et al., and recommended, in view of the opinion of the Attorney General dated February 19, 1907, in the Loula West and other cases, that his decision of August 13, 1906, be not approved, and that the schedules referred to be disapproved.

On March 1, 1907, the Department reversed the decision of the Commissioner so far as it was favorable to the applicants, and disapproved the schedules containing their names.

The Commissioner to the Five Civilized Tribes reports further that his office has no record of any favorable decision of the Department as to the persons included in this case.

It appears also that their names have never been placed upon any roll or schedule of citizens of the Choctaw Nation prepared by the Commissioner to the Five Civilized Tribes and approved by the Department.

The Office concurs in the view of the Commissioner to the Five Civilized Tribes that as the record in the case is a complete one, the applicants could add nothing material thereto at this time, and to have them appear at his office to give further testimony would only make additional expense for them and work a hardship without any benefits accruing therefrom.

On April 9, 1909, the Office requested the Commissioner to the Five Civilized Tribes to take no steps pending the preparation of his report concerning the enrollment case of William B. Brown, et al toward the issuance of a patent to any adverse party in interest to the lands occupied by the applicants in the above mentioned case. The Commissioner was also requested to instruct the United States Indian Agent, at Union Agency, to suspend action, if any was contemplated, toward dispossessing the applicants of the lands occupied by them until further advised by the Department.

The Commissioner reports that no formal allotments were made to the persons included in the above case, but that applications were made in their behalf for certain lands which were involved in Chickasaw contest cases. The contests in behalf of these claimants were dismissed by the Commissioner to the Five Civilized Tribes, and on October 12, 1907, the Office held that the action of the Commissioner was proper, and recommended that he be advised that all applications for

allotments in behalf of these persons should be denied.

This recommednation was approved by the Department on October 14, 1907. It appears from the report of the Commissioner to the Five Civilized Tribes that the lands in contest were awarded to the contestees and patents therefor were recorded and delivered to them. Title having passed to the contestees, the Department is now without authority to place or permit the applicants in the William B. Brown case to remain in possession of the lands covered by the patents issued to the contestees, even in the event of the Department rendering a favorable decision relative to their enrollment.

The Commissioner reports that his office has no record of the applicants in the case mentioned holding or claiming possession of any other lands in the Choctaw or Chickasaw Nations, but says that if they are in occupancy of such other lands his office will, upon receipt of a description thereof, make a record of the claims pending further action by the Department.

The Office is of the opinion that the case of William B. Brown, et al., is not analogous to that of John E. Goldsby, and that it does not come within the principles announced by the Supreme Court of the United States in its decision of November 30, 1908, in that case (211 U. S. 249.)

L-81790-6

It is therefore recommended that the Department take no action looking to the enrollment of any of the applicants included in the consolidated case of William B. Brown, et al.

The record in the case, and other papers pertaining thereto, are transmitted herewith for your further information.

Very respectfully,

R. G. Valentine,

Acting Commissioner.

RES 11
891
WCP June 15, 1909 JWH
Approved:

Frank Pierce,
First Assistant Secretary. FWC

Muskogee, Oklahoma, June 28, 1909.

Mr. William W. Brown,
Comanche, Oklahoma.

Sir:

You are hereby notified that on June 15, 1909, the Secretary of the Interior held that the Choctaw enrollment case of William B. Brown et al., with which your case was consolidated, was not analogous to that of John B. Goldsby (211 U. S. 249) and declined to take any action looking to the enrollment of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in said Goldsby case.

Respectfully,

WHA-MB. Commissioner.

Choc. Minor 919

Roy Lester Johnston

Edna Arvel Johnston

M919

Aug 13, 1906 Granted.

March 1, 1907 Decision of Commissioner revised by Dept. and schedule containing names of these applicants disapproved.

March 1, 1909 Dept. requests reports.

Apr. 20, 1909 Report to Dept.

June 15, 1909 Dept. holds case is not analogous to Goldsby case and declines to take action looking to enrollment of applicants.

Jun 29, 1905 Parties notified.

MISSISSIPPI CHOCTAW.

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IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Edna Ames Johnston

as a citizen of

Choctaw **Nation.**

Approved..... 190...

.....

Commissioner.

Rec'd Mar 21-1905

ACT OF CONGRESS APPROVED APR L 26, 1906.
DEPARTMENT OF THE INTERIOR.
Commissioner to the Five Civilized Tribes.

FILED

JUL 23 1906

MISSISSIPPI CHOCTAW.
NOW [illegible]

Commissioner.

23-919
Commission Identity

RECEIVED
JUL 23 1906

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS. APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Edna Arvel Johnston [Here insert name of child] born on the 21 day of March 1905

Name of Father: Johnston J. J. a citizen of the Nation.

Name of Mother: Mary A. Johnston a citizen of the Cherokee Nation.

Tribal enrollment of father Tribal enrollment of mother Mary A. Johnston

Postoffice Comanche I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
District. }

I, Mary A. Johnston on oath state that I am 21 years of age and a citizen by Blood of the Cherokee Nation; that I am the lawful wife of J. J. Johnston, who is a citizen, by of the Nation; that a female [Male or Female] child was born to me on 21 day of March 1905; that said child has been named Edna Arvel Johnston and was living March 4, 1906.

Mary A. Johnston

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 24 day of May 1906.

R. A. Johnson J. P.
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Pontotoc District. }

I, H. A. Conger a Physician, on oath state that I attended on Mary A. Johnston wife of J. J. Johnston on the 21 day of March 1905 that there was born to her on said date a female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named

Edna Arvel Johnston H. A. Conger M. D.

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 15 day of June 1906.

E. H. Bond
Notary Public.

MISSISSIPPI CHOCTAW.

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Roy Lester Johnston

as a citizen of

Choctaw Nation.

Approved..... 190...

.....

Commissioner.

Born Oct 28 - 1903.

ACT OF CONGRESS APPROVED ... DEPARTMENT ...

Commissioner to the ...

FILED

JUL 13 1906

... CHOCTAW.

... COMMISSIONER.

Enrolled

23-919

Minor Identify

... 26 1906

BIRTH AFFIDAVIT 1906 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE: APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Roya Lester Johnston [Here insert name of child] born on the 25 day of Oct 1903

Name of Father: J. J. Johnston a citizen of the ..... Nation.

Name of Mother: Mary A Johnston a citizen of the Choctaw Nation.

Tribal enrollment of father ..... Tribal enrollment of mother Mary A Johnston

Postoffice Comanche I.T.,

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
..... District. }

I, Mary A Johnston on oath state that I am 21 years of age and a citizen by Blood of the Choctaw Nation; that I am the lawful wife of J. J. Johnston, who is a citizen, by ..... of the ..... Nation; that a Male [Male or Female] child was born to me on 25 day of Oct 1903; that said child has been named Roya Lester Johnston and was living March 4, 1906.

Mary A Johnston

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 24 day of May 1906.

R. M. Johnson J. P.
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Benj. J. Plunkett a physician on oath state that I attended on Mary A Johnston wife of J. J. Johnston on the 28 day of Oct 1903 that there was born to her on said date a Male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Roy Lester Johnston

Benj. J. Plunkett, M.D.

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 18 day of July 1906.

E A Bond
Notary Public.

O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William B. Brown, et al., as citizens of the Choctaw Nation, consolidating the applications of

William B. Brown, et al.	7-5096,
William N. Brown, et al.	7-5060,
Eli W. Brown, et al.	7-D-432,
Caswell M. Brown, et al.	7-5066,
Andrew J. Peck, et al.	7-5062,
George G. Brown, et al.	7-5095,
James B. Nichols, et al.	7-5100,
John W. B. Nichols, et al.	7-5097,
Orin M. Nichols, et al.	7-5061,
Osa Nichols, et al.	7-D-509.

D E C I S I O N.

It appears from the census card records in this case that on September 22, 1898, application was made to the Commission to the Five Civilized Tribes for the enrollment of William B. Brown (sixty-one years of age), as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his two children, Nancy A. Brown, (twenty-three years of age) and Bettie Brown, now McCarty (nineteen years of age), as citizens by blood of the said nation; on September 22, 1898, for the enrollment of William N. Brown (thirty-nine years of age), and his seven minor children, Sarah Brown, now Johnston (eighteen years of age), Becky Brown (sixteen years of age), Mary Brown, now Johnston (thirteen years of age), Mamie (or Minnie) Brown, now Hudson (eleven years of age), Alice Brown (eight years of age), George Brown (five years of age) and Susie Brown (one year of age), as citizens by blood of the Choctaw Nation, and for the enrollment of Nancy Brown (thirty-six years of age) as a citizen by intermarriage of said nation; on September 5,

1899, for the enrollment of Eli W. Brown (twenty-eight years of age) as a citizen by intermarriage of the Choctaw Nation; on September 22, 1898, for the enrollment of Caswell M. Brown (thirty-four years of age), and his two minor children, Maudie (ten years of age) and Willie Brown (six years of age), as citizens by blood of the Choctaw Nation, and on October 18, 1898, for the enrollment of his wife, Amanda Brown (thirty-one years of age), as a citizen by intermarriage of said nation; on September 22, 1898, for the enrollment of Andrew J. Peck (thirty-two years of age) as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Polly A. Peel (thirty years of age), and his five minor children, Florence (nine years of age), Oscar (seven years of age), Benjamin G. (five years of age), Andrew (three years of age), and Otis Dewey Peck (two months of age), as citizens by blood of said nation; on September 22, 1898, for the enrollment of George G. Brown (twenty-six years of age), and his minor daughter, Willie Emma Brown (three years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Sarah Brown (twenty-one years of age), as a citizen by intermarriage of said nation; on September 22, 1898, for the enrollment of James B. Nichols (forty-eight years of age), and his two minor children, Della, May Nichols, now Scott (fourteen years of age), and Nancy V. Nichols (seven years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Nancy C. Nichols, (forty-two years of age), as a citizen by intermarriage of said nation; on September 22, 1898, for the enrollment of John W. B. Nichols (twenty-four years of age) as a citizen by blood of the Choctaw Nation, and for the enrollment of his wife, Bessie Nichols (eighteen years of age), as a citizen by intermarriage of

said nation; on September 22, 1898, for the enrollment of Orin M. Nichols (forty-four years of age), and his four minor children, James W. (eighteen years of age), Maggie M. (twelve years ofage), Mettie Myrtle (eight years of age), and Lenie A. Nichols (four years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Amanda M. Nichols (thirty-eight years of age), as a citizen by intermarriage of said nation; and on September 25, 1899, for the enrollment of Osa Nichols (seventeen years of age) as a citizen by intermarriage of the Choctaw Nation.

Applications were subsequently made for the enrollment of the following minor applicants as citizens by blood of the Choctaw Nation: On January 20, 1902, for the enrollment of Mary Ethel McCarty (born December 8, 1901); on May 31, 1906, for the enrollment of William A. McCarty (born April 21, 1904) and Ollie McCarty (born February 14, 1906); on October 13, 1900, for the enrollment of William Erman Johnston (born June 30, 1900); on October 19, 1900, for the enrollment of Minnir Gertrude Brown (born August 13, 1900); on May 16, 1901, for the enrollment of Fannie C. Brown (born February 11, 1901); on April 29, 1905, for the enrollment of Oscar Lee Johnston (born November 14, 1902); on April 29, 1905, for the enrollment of Willie Clarence Brown (born April 8, 1903); on July 12, 1902, for the enrollment of Henry Niten Brown, (born May 21, 1902); on April 29, 1905, for the enrollment of Roy Lester Johnston (born October 28, 1903); on May 21, 1906 for the enrollment of Edna Arvel Johnston (born March 21, 1905); on April 14, 1905, for the enrollment of Rubie Dill Brown (born February 12, 1904); in 1899, for the enrollment of Elbert Knightington Brown (born October 8, 1899); on April 7, 1905, for the enrollment of Annie JewellBrown (born December 2, 1902); on December 10, 1901, for the enrollment of Virgie Peck (born October 11, 1901); on April 8, 1905, for the enrollment of Prebble Peck (born February 19, 1904);

on May 21, 1906, for the enrollment of Cassie Brown (born May 30, 1900) and Goldie Brown (born September 5, 1904); on April 17, 1905, for the enrollment of Nema May Scott (born May 15, 1903) and Lita Scott (born February 1, 1906); on September 1, 1900, for the enrollment of Louie Norman Nichols (born August 19, 1900); on December 27, 1901, for the enrollment of Gelda Ula Nichols (born September 15, 1901); on April 1, 1905, for the enrollment of Sylvie Jewel Nichols (born August 26, 1903); on April 14, 1905, for the enrollment of Cora Lee Nichols (born November 6, 1902); on April 6, 1901, for the enrollment of Daphne Myrtle Nichols (born February 20, 1901); and on May 21, 1906, for the enrollment of Teddy Golden Johnston (born June 15, 1905).

It appears from the records of the Commission to the Five Civilized Tribes that on September 9, 1896, in the case entitled "Nancy Cooper, et al. vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 1418), original application was made to said Commission, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321), for admission to citizenship in the Choctaw Nation of the applicants, Nancy A. Brown (as Nancy Alice Brown), Bettie McCarty (as Rebecca Elizabeth Brown), William N. Brown (as William Niten Brown), Sarah Johnston (as Sarah Elizabeth Brown), Becky Brown (as Rebecca Catherine Brown), Mary Brown (as Mary Arrillie Brown), Minnie (or Minnir) Hudson (as Minnie Ann Brown), Alice Brown, George Brown (as George Montgomery Brown), Caswell W. Brown, Maudie Brown (as Mandy E. Brown), Willie Brown (as William G. Brown), Polly A. Peck (as Polly Ann Peck), Florence Peck (as Minnie F. Peck), Oscar Peck (as Oscar S. Peck), Benjamin Peck (as Benjamin O. Peck), Andrew Peck, George O. Brown, Willie Emma Brown, James B. Nichols (as James Bruten Nichols), Della May Scott (as Mary Della May Nichols), Nancy V. (Nannie Velma Nichols),

John W. B. Nichols (as John William Bethuel Nichols), Orin M. Nichols (as Orrin Maybery Nichols), James W. Nichols (as James Willis Nichols), Maggie M. Nichols (as Maggie May Nichols), Mettie Myrtle Nichols, Lonie A. Nichols (as Lena Alta Nichols), as citizens by blood of said nation, and for the admission of William B. Brown, Nancy J. Brown (as Nancy Jane Brown), Amanda Brown, Andrew J. Peck, (as A. J. Peck), Sarah Brown, Nancy C. Nichols (as Nancy Caroline Nichols), and Amanda M. Nichols (as Amanda Melvina Nichols), as citizens by intermarriage of said nation; and that on December 8, 1898, said Commission rendered its decision therein, denying the application of the above named applicants for enrollment as citizens of the Choctaw Nation.

From the decision of said Commission an appeal was taken to the United States Court for the Southern District of Indian Territory, which court on December 27, 1897, in the case entitled "Nancy J. Cooper, et al. vs. Choctaw Nation" (Southern District Citizenship Case No. 96), admitted Nancy A. Brown (as Nancy Alice Brown), Bettie McCarty (as Bettie Brown), Sarah Johnson (as Sarah Brown), Becky Brown, Mary Brown, Mamie (or Minnie) Hudson (as Mamie Brown), Alice Brown, George Brown, Susie Brown, Caswell M. Brown (as Caswell Marion Brown), Maudie Brown, Willie Brown, Polly A. Peck (as Polly Ann Peck), Florence Peck, Oscar Peck, Benjamin Peck (as Benjamin Grant Peck), Andrew Peck, George G. Brown, Willie Emma Brown, James B. Nichols (as James Bruton Nichols), Della May Scott (as Dell May Nichols), Nancy V. Nichols (as Nancy Velmor Nichols), Orin M. Nichols (as Orin Mayberry Nichols), James W. Nichols (as James Willis Nichols), Maggie M. Nichols (as Maggie May Nichols), Mettie Myrtle Nichols (as Myrtle Nichols), and Lonie A. Nichols (as Lonie Alta Nichols), as citizens by blood of the Choctaw Nation, and William B. Brown (as William Bluford Brown), Andrew J. Peck (as Andrew Jackson Peck), and Nancy C. Nichols (as

Nancy Caroline Nichols), as citizens by intermarriage of said nation, and denied the applications for the admission of Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, and Amanda M. Nichols (as Amanda Melvina Nichols), as citizens by intermarriage of the Choctaw Nation. The name of the applicant, Susie Brown, was interpolated in the judgment of said court, she not having been an applicant before the Commission to the Five Civilized Tribes in 1896.

On March 18, 1898, said case again came before said court upon a motion of the plaintiff's attorneys to correct the judgment of said court rendered December 20, 1897, and the court, thereupon, ordered said judgment corrected so as to admit the applicants, Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, Amanda M. Nichols (as Amanda Melvina Nichols), as citizens by intermarriage of the Choctaw Nation.

On September 28, 1898, said court rendered a supplemental judgment admitting Amanda Brown as a citizen by intermarriage of the Choctaw Nation.

On January 17, 1900, this cause came before said court upon a motion of the defendant to strike out of the judgment theretofore rendered, certain names improperly admitted to citizenship, and said court being fully advised, ordered that the following names, Susie Brown, Andrew J. Peck as (Andrew Jackson Peck), Bettie McCarty (as Bettie Brown), and Becky Brown, be stricken from said former judgment.

Subsequently, upon the representation of the plaintiff's attorneys that certain persons who were original applicants were by oversight or mistake left out of the original judgment theretofore rendered, the court ordered that the applicants, Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, Amanda Brown, Amanda M. Nichols and Rebecca M. Brown be admitted to citizenship in the

Choctaw Nation.

It further appears from the records of said Commission that on December 17, 1903, the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgement of the United States Court for the Southern District of Indian Territory?

Thereafter, the record in the above case was certified to the Choctaw and Chickasaw Citizenship Court, for a trial de novo, which court, on November 29, 1904, in the case entitled, "William Neighton Brown, et al. vs. Choctaw and Chickasaw Nations" (Choctaw Chickasaw Citizenship Court Case No. 73, Tishomingo Docket), "ordered, adjudged and decreed that the petition of the plaintiffs, William Neighton Brown (or William Neighton Brown), Caswell Larsen Brown, Polly Ann Peck (nee Brown), George W. Brown (or George G. Brown), Toney Ellis Brown (or Toney Alice Brown), Sarah Brown, Mary Brown, Monie Brown (or Mamie Brown), Alice Brown, George Brown, Mondie Brown (or Maudie Brown), Willie Brown, Florence Peck, Oscar Peck, Benjamin Grant Peck, Andrew Peck, William Emma Brown, (or Willie Emma Brown),.....James Burton Nichols, (or James Bruton Nichols), Oney Mayberry Nichols (or Orin Mayberry Nichols), John William Baffie Nichols, Della May Nichols, Nancy Velmer Nichols, Lonie Alta Nichols,.....William Buford Brown, Nancy Caroline Nichols, Rebecca E. Brown (or Becky Brown), Rebecca C. Brown (or Rebecca Brown), Amanda Melvina Nichols, Amanda Brown, Nancy J. Brown (or Nancy Jane Brown), Sarah Brown,.....be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom."

On December 12, 1904, orders were entered of record by the Commission to the Five Civilized Tribes dismissing the applica-

tions for the enrollment of Mary E. McCarty, William Erman Johnston, Minnie Gertrude Brown, Henry Niten Brown, Hibert Knightington Brown, Otis Dewey Peek, Virgie Peek, Louie Herman Nichols and Golda Ula Nichols as citizens by blood of the Choctaw Nation, and on March 18, 1905, an order was entered of record dismissing the application for the enrollment of Fannie C. Brown as a citizen by blood of said nation. All of said applicants were dismissed for the reason that their parents through whom they claim their rights to enrollment as citizens by blood of the Choctaw Nation, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court/

On December 12, 1904, orders were entered of record by the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of Eli W. Brown, Bessie Nichols and Osa Nichols as citizens by intermarriage of the Choctaw Nation, for the reason that the persons through whom they claim their rights had also been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

On March 30, 1905, the Commission to the Five Civilized Tribes denied the application for the enrollment of Susie Brown as a citizen by blood of the Choctaw Nation, and on April 6, 1906 (I.T.D. 3810-1905), the Department set aside said decision of the Commission and returned the record to this office for a full investigation upon its merits.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes of January 2, 1906, there was filed on February 6, 1906, by Gruce, Cruce and Bleakmore, of Ardmore, Indian Territory, attorneys for the petitioners, petitions praying that William B. Brown, Nancy A. Brown, Minnie Hudson, Sarah Johnston, Oscar Lee Johnston, William Erman Johnston, Rebecca Brown, Minnie Gertrude Brown, Henry Niten Brown, Rubie Dill

Brown, Eli W. Brown, Mary A. Johnston, Roy Lester Johnston, Edna A. Johnston, Rebecca McCarty, William A. McCarty, Mary E. McCarty, William N. Brown, Nancy Jane Brown, George Brown, Alice Brown, Susie Brown, Cletus Brown, Clarence Brown, A. J. Peck, Polly Ann Peck, Minnie Peck, Oscar Sherman Peck, Benjamin Grant Peck, Andrew Peck, O. D. Peck, Virgie Peck, Prebble Peck, C. M. Brown, Amanday Brown, Maudy Brown, William Brown, Elbert K. Brown, Annie Jewel Brown, George G. Brown, Sarah Brown, Willie Emma Brown, Cassie Brown, Goldie Brown, J. B. Nichols, Nancy Nichols, Bulma Nichols, John W. B. Nichols, Bessie Deaton Nichols, Louie Herman Nichols, Golda Eula Nichols, Silva Jewel Nichols, Della May Scott, Nema Scott, Orin W. Nichols, Amanda Nichols, Myrtle Nichols, Lonie Nichols, James W. Nichols, Osa Nichols, Cora Lee Nichols, and Maggie Angel be enrolled as citizens of the Choctaw Nation.

All of the above petitioners, with the exception of Ollie McCarty, Lita Lois Scott, Daphne Myrtle Nichols and Teddy Golden Johnston, are identical with the applicants for whom application has been made for enrollment as citizens of the Choctaw Nation.

On April 16, 1906, the principal petitioners, their attorneys, Cruce, Cruce & Blakemore, of Ardmore, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, of South McAlester, Indian Territory, were advised that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday, May 14, 1906, at nine o'clock A. M., hear such testimony and receive such other evidence as might be submitted by the petitioners in support of their applications for enrollment as citizens of the Choctaw Nation, and by the attorneys for the

Choctaw and Chickasaw Nations.

On April 16, 1906, William M. Brown, father of Susie Brown, Cruce, Cruce & Bleakmore, attorneys for said Susie Brown, and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, were advised that on April 6, 1906, the Department set aside the decision rendered by the Commission on March 30, 1905, and returned the record in said case with instructions that a full investigation be made of the rights of said Susie Brown to enrollment as a citizen by blood of the Choctaw Nation; that the testimony of creditable witnesses be required showing her Choctaw blood, if any, the time and place of her birth, her various residences, her ancestors, the privileges, if any, enjoyed by her and her parents as citizens of the Choctaw Nation; and notified that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday, May 14, 1906, at nine o'clock A. M., hear such testimony and receive such other evidence as might be submitted in support of said application, investigation to be conducted along the lines indicated by Department letter above referred to.

On Motion of Attorney for applicants, the hearing in the matter of the above application was continued on April 26, 1906, to May 21, 1906.

On May 21, 1906, proceedings were had in the matter of said applications in pursuance to the notices above mentioned.

It appears from the record herin that the applicants, William M. Brown, Caswell M. Brown, Polly Ann Peek, George G. Brown, Nancy A. Brown, and Bettie McCarty, are the children of the principal applicant, William B. Brown, and Rebecca Cooper (now deceased), who is alleged to have been a Choctaw Indian, and the daughter of William Cooper, who was the son of Johnny

Cooper, an alleged Choctaw Indian, who resided near the line between the states of Tennessee and Mississippi; that Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie), Hudson, Alice Brown, George Brown, Susie Brown, Fannie C. Brown and Willie Clarence Brown, are the children of the applicants William N. Brown and Nancy J. Brown, (the latter an applicant for intermarried rights); that William Erman, Oscar Lee and Teddy Golden Johnston are the children of the applicant, Sarah Johnston, and J. A. Johnston, a non-citizen; that Minnie Gertrude, Henry Niten and Rubie Dill Brown are the children of the applicants, Becky Brown and Eli W. Brown, (the latter an applicant for intermarried rights); that Roy Lester and Edna Arvel Johnston are the children of the applicant, Mary Johnston, and Jace J. Johnston, a non-citizen; that Maudie, Willie, Elbert Knightington, and Annie Jewell Brown, are the children of the applicant, Caswell M. Brown and Amanda Brown (the latter an applicant for intermarried rights); that Florence, Oscar, Benjamin, Andrew, Otis Dewey Virgie and Prebble Peck are the children of the applicant, Polly Ann Peck and Andrew J. Peck (the latter an applicant for intermarried rights); that Willie Emma, Cassie and Goldie Brown are the children of the applicants, George G. Brown and Sarah Brown (the latter an applicant for intermarried rights); that Mary Ethel, William A. and Ollie McCarty are the children of the applicant Bettie McCarty and Oliver McCarty, a non-citizen; that James B. Nichols and Orin M. Nichols are the children of Wilson Nichols (now deceased), a non-citizen, and Delitha Cooper (now deceased), who is alleged to have been a Choctaw Indian and the daughter of John Cooper, above referred to; that John W. B. Nichols, Della May Scott and Nancy W. Nichols are the children of the applicant, James B. Nichols,

and Nancy C. Nichols (the latter an applicant for intermarried rights); that Louie Herman, Golda Ula and Sylvie Jewel Nichols are the children of the applicant, John W. B. Nichols and Bessie Nichols (the latter an applicant for intermarried rights); that Nema May and Lita Lois Scott are the children of the applicant, Della May Scott, and Burris Scott, a non-citizen; that James W., Maggie M., Bettie Myrtle and Lonie A. Nichols are the children of the applicant, Orin M. Nichols and Amanda M. Nichols (the latter an applicant for intermarried rights); and that the applicant, Cora Lee and Daphne Myrtle Nichols, are the children of the applicants, James W. Nichols and Osa Nichols (the latter an applicant for intermarried rights).

The applicant, William B. Brown, claims his right to citizenship in the Choctaw Nation by the virtue of his marriage on February 10, 1858, under the laws of the state of Arkansas, to Becky Cooper (now deceased); that Nancy Brown claims her right to enrollment as a citizen by intermarriage by virtue of her marriage to the applicant, William B. Brown, on September 21, 1879; that Eli W. Brown claims his right to enrollment as a citizen by intermarriage by virtue of his marriage on August 21, 1899, under the laws, customs and usages of the Chickasaw Nation to the applicant, Becky Brown, both of said applicants being at said time residents in good faith of the Chickasaw Nation; that Amanda Brown claims her right to enrollment as a citizen by intermarriage by virtue of her marriage on December 2, 1886, to the applicant, Caswell M. Brown; that Andrew J. Peek claims his right to enrollment as a citizen by intermarriage by virtue of his marriage on December 15, 1887, under the laws of the state of Arkansas to the applicant, Polly A. Peek; that Sarah Brown claims her right to enrollment as a citizen by intermarriage by virtue of her mar-

riage to George G. Brown on June 9, 1895; that the applicant, Nancy C. Nichols, claims her right to enrollment as a citizen by intermarriage by virtue of her marriage to the applicant, James B. Nichols, on March 9, 1873; that the applicant, Bessie Nichols, claims her right to enrollmentas a citizen by intermarriage by virtue of her marriage on September 11, 1898, to the applicant, John W. B. Nichols; that Amanda M. Nichols claims her right to enrollment as a citizen by intermarriage by virtue of her marriage on October 20, 1878, to the applicant, Orin M. Nichols; and that Osa Nichols claims her right to enrollment as a citizen by intermarriage by virtue of her marriage on April 27, 1899, to the applicant, James W. Nichols.

It does not appear from the record herein or from the records in the possession of this office that the applicant, Andrew J. Peck, has ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, nor has said applicant ever been married to Polly Ann Peck, through whom he claims his intermarried rights, by virtue of a license issued by the tribal authorities of either the Choctaw or Chickasaw Nation.

At the hearing before the Commissioner to the Five Civilized Tribes on May 21, 1906, William N. Brown, Caswell M. Brown, James B. Nichols, and Orin M. Nichols testified that in 1894 they, together with the other applicants herein who were living at said time, petitioned the Choctaw Council for admission as citizens of the Choctaw Nation; that no action having been taken thereon, they,

in 1896, appeared before the Choctaw Census Commission and made application to be enrolled upon the 1896 Choctaw Census Roll; and that some time in January, 1897, they received a certificate from the Secretary of the Choctaw Revisory Board, wherein it appeared that they had been enrolled upon the 1896 Choctaw Census Roll. Said applicants further testified that prior to 1896 they had been permitted to issue permits for their tenants, held lands, and were not subject to any tribal tax which was due from all non-citizens who were engaged in the mercantile business.

On June 4, 1906, John M. Gamblin testified that he was acquainted with the applicants herein, and that in October, 1894, he having business before the Choctaw Council, presented on behalf of the applicants herein who were living at that time, a petition praying that they be admitted as citizens of the Choctaw Nation, and that he does not know what action, if any, was ever taken thereon.

Upon an examination of the tribal rolls of the Choctaw Nation in the possession of this office, it appears that the applicants, William B. Brown, William N. Brown, Nancy J. Brown, Caswell M. Brown, Amanda Brown, Polly Ann Peck, Andrew J. Peck, George G. Brown, Sarah Brown, Nancy A. Brown, Bettie McCarty, Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie) Hudson, Alice Brown, George Brown, Susie Brown, Maudie Brown, Willie Brown, Florence Peck, Oscar Peck, Benjamin Peck, Andrew Peck, James B. Nichols, Nancy C. Nichols, Orin M. Nichols, Amanda M. Nichols, John W. B. Nichols, Della May Scott, Nancy V. Nichols, James W. Nichols, Maggie M. Nichols, Mattie Myrtle Nichols and Lemie A. Nichols, are identified upon the 1896 Choctaw Census Roll opposite numbers 1688, 1691, 1692, 1701, 1702, 10518, 10517, 1705, 1706, 1689, 1690, 1693, 1694, 1695, 1696, 1697, 1698, 1699,

1703, 1704, 10519, 10520, 10521, 10522, 9803, 9808, 9812, 9813, 9809, 9810, 9811, 9814, 9815, 9816, and 9817, respectively.

It further appears from the record herein that all of the applicants that were living on June 28, 1898, were residents in good faith of the Indian Territory on said date.

The evidence in this case further shows that the applicant, Daphne Myrtle Nichols, died on June 27, 1901.

I am of the opinion that in accordance with the opinions of the Assistant Attorney General for the Department of the Interior of February 10, 1905 (I.T. D. 10353-1904) and December 8, 1905 (I.T.D. 3693-1905), in the case of Lula West, the action of the Commission to the Five Civilized Tribes, and the subsequent action of the United States Court for the Southern District of Indian Territory, and the Choctaw and Chickasaw Citizenship Court upon the right of the applicants who applied to the Commission to the Five Civilized Tribes in 1896, with the exception of Andrew J. Peck, was without authority of law, and of no force and effect upon the status of said applicants as citizens of the Choctaw Nation.

I am further of the opinion that the orders of the Commission to the Five Civilized Tribes of December 12, 1904 and March 18, 1905, dismissing the applications for the enrollment of Mary E. McCarty, William Erman Johnston, Minnie Gertrude Brown, Fannie G. Brown, Henry Niles Brown, Elbert Waightington Brown, Otis Dewey Peck, Virgie Peck, Louis Herman Nichols and Golda Ula Nichols as citizens by blood of the Choctaw Nation, and Eli W. Brown, Bessie Nichols and Ona Nichols as citizens by intermarriage of the Choctaw Nation, should be rescinded.

I am further of the opinion that in accordance with the

opinions of the Assistant Attorney General for the Department of the Interior of March 3, 1905 (I.T.D. 187-1905) and March 10, 1906 (I.T.D. 9969-1905), Nancy A. Brown, Bettie McCarty, Mary Ethel McCarty, William N. Brown, Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie) Hudson, Alice Brown, George Brown, Susie Brown, William Erman Johnston, Minnie Gertrude Brown, Henry Niten Brown, Wannie C. Brown, Caswell M. Brown, Maudie Brown, Willie Brown, Elbert Knightington Brown, Polly A. Peck, Florence Peck, Oscar Peck, Benjamin Peck, Andrew Peck, Otis Dewey Peck, Virgie Peck, George G. Brown, Willie Emma Brown, James B. Nichols, Della May Scott, Nancy V. Nichols, John W. B. Nichols, Louie Herman Nichols, Golda Wla Nichols, Orin M. Nichols, James W. Nichols, Maggie M. Nichols, Mettie Myrtle Nichols and Lonie A. Nichols should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that William B. Brown, Nancy Brown, Eli W. Brown, Amanda Brown, Sarah Brown, Nancy C. Nichols, Bessie Nichols, Amanda M. Nichols, and Osa Nichols should be enrolled as citizens by intermarriage of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the application made for the enrollment of Andrew J. Peck as a citizen by intermarriage of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

I am further of the opinion that William A. McCarty, Ollie McCarty, Oscar Lee Johnston, Willie Clarence Brown, Ray Lester Johnston, Edna Arvel Johnston, Teddy Golden Johnston, Rubie Dill Brown, Annie Jewell Brown, Prebble Peck, Cassie Brown, Goldie Brown, Nona May Scott, Lita Lois Scott, Sylvie Jewel Nichols and Cora Lee Nichols should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (Public No. 129), and it is so ordered.

I am further of the opinion that the application made for the enrollment of Daphne Myrtle Nichols as a citizen by blood of the Choctaw Nation should be dismissed, and it is so ordered.

Tams Bixby,
COMMISSIONER.

Muskogee, Indian Territory,
Aug. 13, 1906.

REFER IN REPLY TO THE FOLLOWING
Miss. Choc.
M B 221 & 225.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 24, 1906.

J. J. Johnston,

Comanche, Indian Territory.

Dear Sir:

In reference to the applications heretofore submitted to this office for the enrollment as citizens of the Choctaw Nation of Edna Aruel and Reya Lester Johnston, minor children of yourself and Mary A. Johnston, you are advised that this office is unable to locate either your name or the name of the mother of said children upon its records.

Inasmuch as it is stated in said applications that Mary A. Johnston is a citizen by blood of the Choctaw Nation, you are requested to advise when and where she made application for enrollment and whether she applied as a citizen by blood or as a Mississippi Choctaw, also give the names of her parents and state whether you ever made application of any character for citizenship in the Choctaw Nation.

This matter should receive your immediate attention, and this letter should be returned with the information requested.

Respectfully,

W. O. Beall

Acting Commissioner.

23-919

Muskogee, Indian Territory, September 14, 1906.

Cruce, Cruce & Breakmore,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of September 7, 1906, giving information relative to Mary A. Johnston who you state is the daughter of William N. Brown.

In reply you are advised that the information contained in your letter has enabled this office to identify Mary Johnston mother of Roy Lester and Edna Arvel Johnston as a citizen by blood of the Choctaw Nation and has been filed with the record in the matter of the enrollment of said children.

Respectfully,

Commissioner.

1-12903

Land
31790-1909.
J.R.B.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
Washington.

Jun. 25, 1909

Enrollment case of
Wm. B. Brown et al.

The Commissioner

to the Five Civilized Tribes,

Muskogee, Oklahoma.

Sir:

Referring to your report of April 20, 1909, relative to the consolidated Chestaw enrollment case of William B. Brown et al., you are advised, that on June 15, 1909, the Department held that the case mentioned was no analogous to that of John E. Goldsby, and did not come within the principles announced by the Supreme Court of the United States in that case, (211 U. S. 249).

The Department, therefore, declined to take any action looking to the enrollment of any of the applicants in the consolidated case of William B. Brown et al.

A copy of approved Office letter of May 17, 1909, is inclosed for your further information.

You are requested to notify the parties in interest.

Very respectfully,

J. H. Bartch,
Acting Chief Clerk.

EMS-10
2834

D-7339

Land
31790-1909
J E D

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS,
Washington,

C.R.
J.W.
J.F.Jr.
W.R.L.

Enrollment case of
William B. Brown et al.

May 17, 1909.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of March 1, 1909, there is transmitted herewith a report dated April 20, 1909, from the Commissioner to the Five Civilized Tribes, relative to the enrollment case of William B. Brown et al. The history of the claim is set out fully in the reports enclosed.

The record shows, among other things, that on August 13, 1906, the Commissioner to the Five Civilized Tribes rendered a decision that Nancy A. Brown, Bettie McCarty, Mary Ethel McCarty, William N. Brown, Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie) Hudson, Alice Brown, George Brown, Susie Brown, William Erman Johnston, Minnie Gertrude Brown, Henry Niten Brown, Fannie C. Brown, Caswell M. Brown, Maudie Brown, Willie Brown, Hibert Knightington Brown, Polly A. Peck, Florence Peck, Oscar Peck, Benjamin Peck, Andrew Peck, Otis Dewey Peck, Virgie Peck, George C. Brown, Willie Emma Brown, James B. Nichols, Della May Scott, Nancy V. Nichols, John W. H. Nichols, Louie Herman Nichols, Golda Ula Nichols, Orin M. Nichols, James W. Nichols, Maggie M. Nichols, Nettie Myrtle Nichols and Lonie A. Nichols should be enrolled as citizens by blood and William B. Brown, Nancy Brown, Eli W. Brown,

Amanda Brown, Sarah Brown, Nancy C. Nichols, Jessie Nichols, Amanda M. Nichols and Osa Nichols as citizens by intermarriage of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stat. L. 498) and July 1, 1902 (32 Stat., L. 641).

The applications for the enrollment of William Al McCarty, Ollie McCarty, Oscar Lee Johnston, Willie Clarence Brown, Roy Lester Johnston, Edna Arvel Johnston, Teddy Golden Johnston, Rubie Dill Brown, Annie Jewell Brown, Prebble Peek, Cassie Brown, Goldie Brown, Wesa May Scott, Lita Lois Scott, Sylvie Jewel Nichols and Cora Lee Nichols were also granted under the provisions of the Act of Congress approved April 26, 1906 (34 Stat. L. 137).

The application for the enrollment of Andrew J. Peck as a citizen by intermarriage was denied and the application for the enrollment of Daphne Myrtle Nichols as a citizen by blood of the Choctaw Nation was dismissed.

It appears that on August 14, 1906, the record in the case, together with the decision, was forwarded by the Commissioner to the Five Civilized Tribes, and that on February 7, 1907, he transmitted to the Department schedules of citizens of the Choctaw Nation by blood and by marriages, containing the names of persons who were favorably passed upon by him in his decision of August 13, 1906, in this case. It appears also that on February 26, 1907, the Commissioner, referring to Department letter of February 23, 1907, invited

the Department's attention to the above-mentioned schedules, and to the Choctaw enrollment case of William B. Brown, et al, and recommended, in view of the opinion of the Attorney General dated February 19, 1907, in the Loula West and other cases, that his decision of August 13, 1906, be not approved, and that the schedules referred to be disapproved.

On March 1, 1907, the Department reversed the decision of the Commissioner so far as it was favorable to the applicants, and disapproved the schedules containing their names.

The Commissioner to the Five Civilized Tribes reports further that his office has no record of any favorable decision of the Department as to the persons included in this case.

It appears also that their names have never been placed upon any roll or schedule of citizens of the Choctaw Nation prepared by the Commissioner to the Five Civilized Tribes and approved by the Department.

The Office concurs in the view of the Commissioner to the Five Civilized Tribes that as the record in the case is a complete one, the applicants could add nothing material thereto at this time, and to have them appear at his office to give further testimony would only make additional expense for them and work a hardship without any benefits accruing therefrom.

On April 9, 1909, the Office requested the Commissioner to the Five Civilized Tribes to take no steps pending the preparation of his report concerning the enrollment case of William B. Brown, et al toward the issuance of a patent to any adverse party in interest to the lands occupied by the applicants in the above mentioned case. The Commissioner was also

requested to instruct the United States Indian Agent, at Union Agency, to suspend action, if any was contemplated, toward dispossessing the applicants of the lands occupied by them until further advised by the Department.

The Commissioner reports that no formal allotments were made to the persons included in the above case, but that applications were made in their behalf for certain lands which were involved in Chickasaw contest cases. The contests in behalf of these claimants were dismissed by the Commissioner to the Five Civilized Tribes, and on October 12, 1907, the Office held that the action of the Commissioner was proper, and recommended that he be advised that all applications for allotments in behalf of these persons should be denied.

This recommendation was approved by the Department on October 14, 1907. It appears from the report of the Commissioner to the Five Civilized Tribes that the lands in contest were awarded to the contestees and patents therefor were recorded and delivered to them. Title having passed to the contestees, the Department is now without authority to place or permit the applicants in the William B. Brown case to remain in possession of the lands covered by the patents issued to the contestees, even in the event of the Department rendering a favorable decision relative to their enrollment.

The Commissioner reports that his office has no record of the applicants in the case mentioned holding or claiming possession of any other lands in the Choctaw or Chickasaw

L-31790--8

Nations, but says that if they are in company of such other lands his office will, upon receipt of a description thereof, make a record of the claims pending further action by the Department.

The Office is of the opinion that the case of William B. Brown, et al., is not analogous to that of John R. Goldsby, and that it does not come within the principles announced by the Supreme Court of the United States in its decision of November 30, 1908, in that case (211 U. S. 369).

It is therefore recommended that the Department take no action looking to the enrollment of any of the applicants included in the consolidated case of William B. Brown et al.

The record in the case, and other papers pertaining thereto, are transmitted herewith for your further information.

Very respectfully,

E. C. Valentine,

Acting Commissioner.

RMS 11
891
WCD June 15, 1910 FWK
Approved:

Frank Pierce,

First Assistant Secretary. FWK.

Muskogee, Oklahoma, June 29, 1909.

Mary Johnston,

Comanche, Oklahoma.

Madam:

You are hereby notified that on June 15, 1909, the Secretary of the Interior held that the Choctaw enrollment case of William B. Brown et al., with which your case was consolidated, was not analogous to that of John R. Goldsby (211 U. S. 249) and declined to take any action looking to the enrollment of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in said Goldsby case.

Respectfully,

WHA-EB. Commissioner.

Choc. Minor 920

Rubie Dill Brown

M920

Aug. 13, 1906 Granted.

March 1, 1907 Decision of Commissioner revised and schedule containing name of this applicant disapproved

March 1, 1909 Dept. requests report.

Apr. 20, 1909 Report to Dept.

Jun 15, 1909 Dept. holds case is not analogous to Goldsby case and declines to take action looking to enrollment of applicants.

Jun 29, 1909 Parties notified.

NEW BORN

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Ruby Dill Brown

as a citizen of

Choctaw Nation.

Approved..... 190...

.....

Commissioner.

Born Feb. 12, 1904

ACT OF CONGRESS APPROVED [illegible] 1906.

[illegible] OF THE INTERIOR
[illegible]

JUL 25 1906

[illegible] COMMISSIONER.

42 2
3 5 4

Ruby
CHOCTAW
23-920

RECEIVED
JUN 6 1906

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Chactaw Nation,

of Rubie Dill Brown, born on the 12 day of Febig 1904

(Here insert name of child)

Name of Father: Eli W Brown a citizen of the Chactaw Nation.

Name of Mother: Rebecca C Brown a citizen of the Chactaw Nation.

Tribal enrollment of father None Tribal enrollment of mother None

Postoffice Comanche IT

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, Rebecca C Brown on oath state that I am 33 years of age and a citizen by blood of the Chactaw Nation; that I am the lawful wife of Eli W Brown, who is a citizen, by Intermarriage of the Chactaw Nation; that a female child was born to me on 12 day of Febig 1904 that said child has been named Rubie Dill Brown and was living March 4, 1906.

Rebecca C Brown

WITNESSES TO MARK:

[Must be Two White Men]

Subscribed and sworn to before me this 4th day of June 1906.

E H Bond
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, H. A. Conger Physician on oath state that I attended on Rebecca C Brown wife of Eli W Brown on the 12 day of Febig 1904 that there was born to her on said date a female child; that said child was living March 4, 1906, and is said to have been named Rubie Dill Brown

H A Conger M D

WITNESSES TO MARK:

[Must be Two White Men]

Subscribed and sworn to before me this 4th day of June 1906.

E H Bond
Notary Public

O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William B. Brown, et al., as citizens of the Choctaw Nation, consolidating the applications of

William B. Brown, et al.	7-5096,
William W. Brown, et al.	7-5060,
Eli W. Brown, et al.	7-D-432,
Caswell M. Brown, et al.	7-5066,
Andrew J. Peck, et al.	7-5062,
George G. Brown, et al.	7-5095,
James B. Nichols, et al.	7-5100,
John W. B. Nichols, et al.	7-5097,
Orin M. Nichols, et al.	7-5061,
Osa Nichols, et al.	7-D-509.

D E C I S I O N.

It appears from the census card records in this case that on September 22, 1898, application was made to the Commission to the Five Civilized Tribes for the enrollment of William B. Brown (sixty-one years of age), as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his two children, Nancy A. Brown, (twenty-three years of age) and Bettie Brown, now McCarty (nineteen years of age), as citizens by blood of the said nation; on September 22, 1898, for the enrollment of William M. Brown (thirty-nine years of age), and his seven minor children, Sarah Brown, now Johnston (eighteen years of age), Becky Brown (sixteen years of age), Mary Brown, now Johnston (thirteen years of age), Mamie (or Minnie) Brown, now Hudson (eleven years of age), Alice Brown (eight years of age), George Brown (five years of age) and Susie Brown (one year of age), as citizens by blood of the Choctaw Nation, and for the enrollment of Nancy Brown (thirty-six years of age) as a citizen by intermarriage of said nation; on September 5,

1899, for the enrollment of Eli W. Brown (twenty-eight years of age) as a citizen by intermarriage of the Choctaw Nation; on September 22, 1898, for the enrollment of Caswell M. Brown (thirty-four years of age), and his two minor children, Maudie (ten years of age) and Willie Brown (six years of age), as citizens by blood of the Choctaw Nation, and on October 18, 1898, for the enrollment of his wife, Amanda Brown (thirty-one years of age), as a citizen by intermarriage of said nation; on September 22, 1898, for the enrollment of Andrew J. Peck (thirty-two years of age) as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Polly A. Peel (thirty years of age), and his five minor children, Florence (nine years of age), Oscar (seven years of age), Benjamin G. (five years of age), Andrew (three years of age), and Otis Dewey Peck (two months of age), as citizens by blood of said nation; on September 22, 1898, for the enrollment of George G. Brown (twenty-six years of age), and his minor daughter, Willie Emma Brown (three years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Sarah Brown (twenty-one years of age), as a citizen by intermarriage of said nation; on September 22, 1898, for the enrollment of James D. Nichols (forty-eight years of age), and his two minor children, Della, May Nichols, now Scott (fourteen years of age), and Nancy V. Nichols (seven years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Nancy C. Nichols, (forty-two years of age), as a citizen by intermarriage of said nation; on September 22, 1898, for the enrollment of John W. H. Nichols (twenty-four years of age) as a citizen by blood of the Choctaw Nation, and for the enrollment of his wife, Bessie Nichols (eighteen years of age), as a citizen by intermarriage of

said nation; on September 22, 1898, for the enrollment of Orin W. Nichols (forty-four years of age), and his four minor children, James W. (eighteen years of age), Maggie M. (twelve years ofage), Mattie Myrtle (eight years of age), and Lonie A. Nichols (four years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Amanda M. Nichols (thirty-eight years of age), as a citizen by intermarriage of said nation; and on September 22, 1898, for the enrollment of Ona Nichols (seventeen years of age) as a citizen by intermarriage of the Choctaw Nation.

Applications were subsequently made for the enrollment of the following minor applicants as citizens by blood of the Choctaw Nation: On January 2[illegible], 1902, for the enrollment of Mary Ethel McCarty (born December 8, 1901); on May 31, 1906, for the enrollment of William A. McCarty (born April 21, 1904) and Ollie McCarty (born February 14, 1906); on October 13, 1900, for the enrollment of William Erman Johnston (born June 30, 1900); on October 19, 1900, for the enrollment of Minnie Gertrude Brown (born August 13, 1900); on May 16, 1901, for the enrollment of Fannie C. Brown (born February 11, 1901); on April 29, 1905, for the enrollment of Oscar Lee Johnston (born November 14, 1902); on April 29, 1905, for the enrollment of Willie Clarence Brown (born April 8, 1903); on July 12, 1902, for the enrollment of Henry Witen Brown, (born May 21, 1902); on April 29, 1905, for the enrollment of Roy Lester Johnston (born October 28, 1903); on May 21, 1906 for the enrollment of Edna Arvel Johnston (born March 21, 1905); on April 14, 1906, for the enrollment of Rubie Bill Brown (born February 12, 1904); in 1900, for the enrollment of Elbert Knightington Brown (born October 8, 1899); on April 7, 1905, for the enrollment of Annie JewellBrown (born December 2, 1902); on December 10, 1901, for the enrollment of Virgie Peek (born October 11, 1901); on April 6, 1905, for the enrollment of Pebble Peek (born February 19, 1904);

on May 21, 1906, for the enrollment of Cassie Brown (born May 30, 1900) and Goldie Brown (born September 5, 1904); on April 17, 1905, for the enrollment of Nema May Scott (born May 15, 1903) and Lita Scott (born February 1, 1906); on September 1, 1900, for the enrollment of Louie Herman Nichols (born August 19, 1900); on December 27, 1901, for the enrollment of Golda Ula Nichols (born September 15, 1901); on April 1, 1905, for the enrollment of Sylvie Jewel Nichols (born August 26, 1903); on April 14, 1905, for the enrollment of Cora Lee Nichols (born November 6, 1902); on April 6, 1901, for the enrollment of Daphne Myrtle Nichols (born February 20, 1901); and on May 21, 1906, for the enrollment of Teddy Golden Johnston (born June 15, 1905).

It appears from the records of the Commission to the Five Civilized Tribes that on September 9, 1896, in the case entitled "Nancy Cooper, et al. vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 1413), original application was made to said Commission, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321), for admission to citizenship in the Choctaw Nation of the applicants, Nancy A. Brown (as Nancy Alice Brown), Bettie McCarty (as Rebecca Elizabeth Brown), William P. Brown (as William Niten Brown), Sarah Johnston (as Sarah Elizabeth Brown), Becky Brown (as Rebecca Catherine Brown), Mary Brown (as Mary Arrillie Brown), Mamie (or Minnie) Hudson (as Minnie Ann Brown), Alice Brown, George Brown (as George Montgomery Brown), Caswell W. Brown, Maudie Brown (as Mandy E. Brown), Willie Brown (as William O. Brown), Polly A. Peck (as Polly Ann Peck), Florence Peck (as Minnie F. Peck), Oscar Peck (as Oscar S. Peck), Benjamin Peck (as Benjamin O. Peck), Andrew Peck, George G. Brown, Willie Nema Brown, James R. Nichols (as James Bruten Nichols), Della May Scott (as Mary Della May Nichols), Nancy V. (Minnie Velma Nichols),

John W. H. Nichols (as John William Nethuel Nichols), Orin M. Nichols (as Orrin Mayberry Nichols), James W. Nichols (as James Willis Nichols), Maggie M. Nichols (as Maggie May Nichols), Nettie Myrtle Nichols, Lonie A. Nichols (as Lona Alta Nichols), as citizens by blood of said nation, and for the admission of William H. Brown, Nancy J. Brown (as Nancy Jane Brown), Amanda Brown, Andrew J. Peek, (as A. J. Peek), Sarah Brown, Nancy C. Nichols (as Nancy Caroline Nichols), and Amanda M. Nichols (as Amanda Melvina Nichols), as citizens by intermarriage of said nation; and that on December 8, 1896, said Commission rendered its decision therein, denying the application of the above named applicants for enrollment as citizens of the Choctaw Nation.

From the decision of said Commission an appeal was taken to the United States Court for the Southern District of Indian Territory, which court on December 27, 1897, in the case entitled "Nancy J. Cooper, et al. vs. Choctaw Nation" (Southern District Citizenship Case No. 96), admitted Nancy A. Brown (as Nancy Alice Brown), Nettie McCarty (as Nettie Brown), Sarah Johnson (as Sarah Brown), Beaty Brown, Mary Brown, Mamie (or Minnie) Hudson (as Mamie Brown), Alice Brown, George Brown, Susie Brown, Caswell M. Brown (as Caswell Marion Brown), Maudie Brown, Willie Brown, Polly A. Peek (as Polly Ann Peek), Florence Peek, Oscar Peek, Benjamin Peek (as Benjamin Grant Peek), Andrew Peek, George G. Brown, Willie Emma Brown, James B. Nichols (as James Bruton Nichols), Della May Scott (as Dell May Nichols), Nancy V. Nichols (as Nancy Velmor Nichols), Orin M. Nichols (as Orin Mayberry Nichols), James W. Nichols (as James Willis Nichols), Maggie M. Nichols (as Maggie May Nichols), Nettie Myrtle Nichols (as Myrtle Nichols), and Lonie A. Nichols (as Lonie Alta Nichols), as citizens by blood of the Choctaw Nation, and William H. Brown (as William Bluford Brown), Andrew J. Peek (as Andrew Jackson Peek), and Nancy C. Nichols (as

Nancy Caroline Nichols), as citizens by intermarriage of said nation, and denied the applications for the admission of Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, and Amanda M. Nichols (as Amanda Melvina Nichols), as citizens by intermarriage of the Choctaw Nation. The name of the applicant, Susie Brown, was interpolated in the judgment of said court, she not having been an applicant before the Commission to the Five Civilized Tribes in 1896.

On March 18, 1898, said cause again came before said court upon a motion of the plaintiff's attorneys to correct the judgment of said court rendered December 20, 1897, and the court, thereupon, ordered said judgment corrected so as to admit the applicants, Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, Amanda M. Nichols (as Amanda Melvina Nichols), as citizens by intermarriage of the Choctaw Nation.

On September 28, 1898, said court rendered a supplemental judgment admitting Amanda Brown as a citizen by intermarriage of the Choctaw Nation.

On January 17, 1900, this cause came before said court upon a motion of the defendant to strike out of the judgment theretofore rendered, certain names improperly admitted to citizenship, and said court being fully advised, ordered that the following names, Susie Brown, Andrew J. Peck as (Andrew Jackson Peck), Bettie McCarty (as Bettie Brown), and Becky Brown, be stricken from said former judgment.

Subsequently, upon the representation of the plaintiff's attorneys that certain persons who were original applicants were by oversight or mistake left out of the original judgment theretofore rendered, the court ordered that the applicants, Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, Amanda Brown, Amanda M. Nichols and Rebecca E. Brown be admitted to citizenship in the

Choctaw Nation.

It further appears from the records of said Commission that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgement of the United States Court for the Southern District of Indian Territory?

Thereafter, the record in the above case was certified to the Choctaw and Chickasaw Citizenship Court, for a trial de novo, which court, on November 29, 1904, in the case entitled, "William Neighton Brown, et al. vs. Choctaw and Chickasaw Nations" (Choctaw Chickasaw Citizenship Court Case No. 73, Tishomingo Docket), "ordered, adjudged and decreed that the petition of the plaintiffs, William Neighton Brown (or William Knighton Brown), Caswell Marion Brown, Polly Ann Peck (nee Brown), George R. Brown (or George G. Brown), Money Ellis Brown (or Money Alice Brown), Sarah Brown, Mary Brown, Monie Brown (or Mamie Brown), Alice Brown, George Brown, Mondie Brown (or Maudie Brown), Willie Brown, Florence Peck, Oscar Peck, Benjamin Grant Peck, Andrew Peck, William Emma Brown, (or Willie Emma Brown),.....James Burton Nichols, (or James Bruton Nichols), Oney Mayberry Nichols (or Orin Mayberry Nichols), John William Beffie Nichols, Della May Nichols, Nancy Velmer Nichols, Lonie Alta Nichols,.....William Buford Brown, Nancy Caroline Nichols, Rebecca E. Brown (or Becky Brown), Rebecca C. Brown (or Rebecca Brown), Amanda Melvina Nichols, Amanda Brown, Nancy J. Brown (or Nancy Jane Brown), Sarah Brown,.....be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom."

On December 12, 1904, orders were entered of record by the Commission to the Five Civilized Tribes dismissing said applica-

tions for the enrollment of Mary E. McCarty, William Erman Johnston, Minnie Gertrude Brown, Henry Niten Brown, Elbert Knighting-ton Brown, Otis Dewey Peck, Virgie Peck, Louie Herman Nichols and Golda Ula Nichols as citizens by blood of the Choctaw Nation, and on March 18, 1905, an order was entered of record dismissing the application for the enrollment of Fannie C. Brown as a citizen by blood of said nation. All of said applicants were dismissed for the reason that their parents through whom they claim their rights to enrollment as citizens by blood of the Choctaw Nation, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court/

On December 12, 1904, orders were entered of record by the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of Eli W. Brown, Bessie Nichols and Osa Nichols as citizens by intermarriage of the Choctaw Nation, for the reason that the persons through whom they claim their rights had also been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

On March 30, 1905, the Commission to the Five Civilized Tribes denied the application for the enrollment of Susie Brown as a citizen by blood of the Choctaw Nation, and on April 6, 1906 (I.T.D. 3910-1905), the Department set aside said decision of the Commission and returned the record to this office for a full investigation upon its merits.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes of January 2, 1906, there was filed on February 6, 1906, by Cruce, Cruce and Bleakmore, of Ardmore, Indian Territory, attorneys for the petitioners, petitions praying that William B. Brown, Nancy A. Brown, Minnie Hudson, Sarah Johnston, Oscar Lee Johnston, William Erman Johnston, Rebecca Brown, Minnie Gertrude Brown, Henry Niten Brown, Rubie Dill

Brown, Eli W. Brown, Mary A. Johnston, Roy Lester Johnston, Edna A. Johnston, Rebecca McCarty, William A. McCarty, Mary E. McCarty, William E. Brown, Nancy Jane Brown, George Brown, Alice Brown, Susie Brown, Cletus Brown, Clarence Brown, A. J. Peck, Polly Ann Peck, Minnie Peck, Oscar Sherman Peck, Benjamin Grant Peck, Andrew Peck, O. D. Peck, Virgie Peck, Prebble Peck, C. M. Brown, Amanday Brown, Maudy Brown, William Brown, Albert F. Brown, Annie Jewel Brown, George O. Brown, Sarah Brown, Willie Emma Brown, Cassie Brown, Goldie Brown, J. B. Nichols, Nancy Nichols, Selma Nichols, John W. B. Nichols, Bessie Denton Nichols, Louie Herman Nichols, Golda Eula Nichols, Silva Jewel Nichols, Nella May Scott, Vema Scott, Orin V. Nichols, Amanda Nichols, Myrtle Nichols, Lonie Nichols, James W. Nichols, Osa Nichols, Cora Lee Nichols, and Maggie Angel be enrolled as citizens of the Choctaw Nation.

All of the above petitioners, with the exception of Ollie McCarty, Lita Lois Scott, Daphne Myrtle Nichols and Teddy Golden Johnston, are identical with the applicants for whom application has been made for enrollment as citizens of the Choctaw Nation.

On April 16, 1906, the principal petitioners, their attorneys, Cruce, Cruce & Blanmore, of Ardmore, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, of South McAlester, Indian Territory, were advised that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday, May 14, 1906, at nine o'clock A. M., hear such testimony and receive such other evidence as might be submitted by the petitioners in support of their applications for enrollment as citizens of the Choctaw Nation, and by the attorneys for the

Choctaw and Chickasaw Nations.

On April 16, 1906, William M. Brown, father of Susie Brown, Cruce, Cruce & Bleakmore, attorneys for said Susie Brown, and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, were advised that on April 6, 1906, the Department set aside the decision rendered by the Commission on March 30, 1905, and returned the record in said case with instructions that a full investigation be made of the rights of said Susie Brown to enrollment as a citizen by blood of the Choctaw Nation; that the testimony of creditable witnesses be required showing her Choctaw blood, if any, the time and place of her birth, her various residences, her ancestors, the privileges, if any, enjoyed by her and her parents as citizens of the Choctaw Nation; and notified that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday, May 14, 1906, at nine o'clock A. M., hear such testimony and receive such other evidence as might be submitted in support of said application, investigation to be conducted along the lines indicated by Department letter above referred to.

On Motion of Attorney for applicants, the hearing in the matter of the above application was continued on April 26, 1906, to May 21, 1906.

On May 21, 1906, proceedings were had in the matter of said applications in pursuance to the notices above mentioned.

It appears from the record herein that the applicants, William M. Brown, Caswell M. Brown, Polly Ann Peak, George G. Brown, Nancy A. Brown, and Bettie McCarty, are the children of the principal applicant, William M. Brown, and Rebecca Cooper (now deceased), who is alleged to have been a Choctaw Indian, and the daughter of William Cooper, who was the son of Johnny

Cooper, an alleged Choctaw Indian, who resided near the line between the states of Tennessee and Mississippi; that Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie), Hudson, Alice Brown, George Brown, Susie Brown, Pannie C. Brown and Willie Clarence Brown, are the children of the applicants William W. Brown and Nancy J. Brown, (the latter an applicant for intermarried rights); that William Erman, Oscar Lee and Teddy Golden Johnston are the children of the applicant, Sarah Johnston, and J. A. Johnston, a non-citizen; that Minnie Certrude, Henry Niten and Pubie Dill Brown are the children of the applicants, Becky Brown and Eli W. Brown, (the latter an applicant for intermarried rights); that Roy Lester and Mona Arvel Johnston are the children of the applicant, Mary Johnston, and Jace J. Johnston, a non-citizen; that Maudie, Willie, Elbert Knightington, and Annie Jewell Brown, are the children of the applicant, Caswell W. Brown and Amanda Brown (the latter an applicant for intermarried rights); that Florence, Oscar, Benjamin, Andrew, Otis Dewey Virgie and Prebble Peck are the children of the applicant, Polly Ann Peck and Andrew J. Peck (the latter an applicant for intermarried rights); that Willie Emma, Cassie and Goldie Brown are the children of the applicants, George G. Brown and Sarah Brown (the latter an applicant for intermarried rights); that Mary Ethel, William A. and Ollie McCarty are the children of the applicant Bettie McCarty and Oliver McCarty, a non-citizen; that James B. Nichols and Orin M. Nichols are the children of Wilson Nichols (now deceased), a non-citizen, and Delitha Cooper (now deceased), who is alleged to have been a Choctaw Indian and the daughter of John Cooper, above referred to; that John W. B. Nichols, Della May Scott and Nancy V. Nichols are the children of the applicant, James B. Nichols,

and Nancy C. Nichols (the latter an applicant for intermarried rights); that Louie Herman, Golda Ula and Sylvie Jewel Nichols are the children of the applicant, John W. B. Nichols and Bessie Nichols (the latter an applicant for intermarried rights); that Nena May and Lita Lois Scott are the children of the applicant, Della May Scott, and Burris Scott, a non-citizen; that James W., Maggie E., Nettie Myrtle and Lonie A. Nichols are the children of the applicant, Orin E. Nichols and Amanda E. Nichols (the latter an applicant for intermarried rights); and that the applicant, Cora Lee and Daphne Myrtle Nichols, are the children of the applicants, James W. Nichols and Osa Nichols (the latter an applicant for intermarried rights).

The applicant, William B. Brown, claims his right to citizenship in the Choctaw Nation by the virtue of his marriage on February 10, 1898, under the laws of the state of Arkansas, to Becky Cooper (now deceased); that Nancy Brown claims her right to enrollment as a citizen by intermarriage by virtue of her marriage to the applicant, William B. Brown, on September 21, 1879; that Eli W. Brown claims his right to enrollment as a citizen by intermarriage by virtue of his marriage on August 21, 1899, under the laws, customs and usages of the Chickasaw Nation to the applicant, Becky Brown, both of said applicants being at said time residents in good faith of the Chickasaw Nation; that Amanda Brown claims her right to enrollment as a citizen by intermarriage by virtue of her marriage on December 2, 1886, to the applicant, Caswell M. Brown; that Andrew J. Peck claims his right to enrollment as a citizen by intermarriage by virtue of his marriage on December 15, 1887, under the laws of the state of Arkansas to the applicant, Polly A. Peck; that Sarah Brown claims her right to enrollment as a citizen by intermarriage by virtue of her mar-

riage to George G. Brown on June 9, 1895; that the applicant, Nancy C. Nichols, claims her right to enrollment as a citizen by intermarriage by virtue of her marriage to the applicant, James B. Nichols, on March 9, 1873; that the applicant, Bessie Nichols, claims her right to enrollmentas a citizen by intermarriage by virtue of her marriage on September 11, 1898, to the applicant, John W. B. Nichols; that Amanda M. Nichols claims her right to enrollment as a citizen by intermarriage by virtue of her marriage on October 20, 1878, to the applicant, Orin M. Nichols; and that Osa Nichols claims her right to enrollment as a citizen by intermarriage by virtue of her marriage on April 27, 1899, to the applicant, James W. Nichols.

It does not appear from the record herein or from the records in the possession of this office that the applicant, Andrew J. Peck, has ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, nor has said applicant ever been married to Polly Ann Peck, through whom he claims his intermarried rights, by virtue of a license issued by the tribal authorities of either the Choctaw or Chickasaw Nation.

At the hearing before the Commissioner to the Five Civilized Tribes on May 21, 1906, William M. Brown, Caswell M. Brown, James B. Nichols, and Orin M. Nichols testified that in 1894 they, together with the other applicants herein who were living at said time, petitioned the Choctaw Council for admission as citizens of the Choctaw Nation; that no action having been taken thereon, they,

in 1896, appeared before the Choctaw Census Commission and made application to be enrolled upon the 1896 Choctaw Census Roll; and that some time in January, 1897, they received a certificate from the Secretary of the Choctaw Revisory Board, wherein it appeared that they had been enrolled upon the 1896 Choctaw Census Roll. Said applicants further testified that prior to 1896 they had been permitted to issue permits for their tenants, held lands, and were not subject to any tribal tax which was due from all non-citizens who were engaged in the mercantile business.

On June 4, 1906, John H. Gamblin testified that he was acquainted with the applicants herein, and that in October, 1894, he having business before the Choctaw Council, presented on behalf of the applicants herein who were living at that time, a petition praying that they be admitted as citizens of the Choctaw Nation, and that he does not know what action, if any, was ever taken thereon.

Upon an examination of the tribal rolls of the Choctaw Nation in the possession of this office, it appears that the applicants, William B. Brown, William W. Brown, Nancy J. Brown, Caswell M. Brown, Amanda Brown, Polly Ann Peck, Andrew J. Peck, George G. Brown, Sarah Brown, Nancy A. Brown, Bettie McCarty, Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie) Hudson, Alice Brown, George Brown, Susie Brown, Maudie Brown, Willie Brown, Florence Peck, Oscar Peck, Benjamin Peck, Andrew Peck, James B. Nichols, Nancy C. Nichols, Orin M. Nichols, Amanda M. Nichols, John W. B. Nichols, Della May Scott, Nancy V. Nichols, James W. Nichols, Maggie M. Nichols, Nettie Myrtle Nichols and Lonie A. Nichols, are identified upon the 1896 Choctaw Census Roll opposite numbers 1688, 1691, 1692, 1701, 1702, 10518, 10517, 1705, 1706, 1689, 1690, 1693, 1694, 1695, 1696, 1697, 1698, 1699,

1703, 1704, 10519, 10520, 10521, 10522, 9803, 9808, 9812, 9813, 9809, 9810, 9811, 9814, 9815, 9816, and 9817, respectively.

It further appears from the record herein that all of the applicants that were living on June 28, 1898, were residents in good faith of the Indian Territory on said date.

The evidence in this case further shows that the applicant, Daphne Myrtle Nichols, died on June 27, 1901.

I am of the opinion that in accordance with the opinions of the Assistant Attorney General for the Department of the Interior of February 10, 1905 (I.T. D. 10353-1904) and December 8, 1905 (I.T.D. 7695-1905), in the case of Lula West, the action of the Commission to the Five Civilized Tribes, and the subsequent action of the United States Court for the Southern District of Indian Territory, and the Choctaw and Chickasaw Citizenship Court upon the right of the applicants who applied to the Commission to the Five Civilized Tribes in 1896, with the exception of Andrew J. Peek, was without authority of law, and of no force and effect upon the status of said applicants as citizens of the Choctaw Nation.

I am further of the opinion that the orders of the Commission to the Five Civilized Tribes of December 12, 1904 and March 18, 1905, dismissing the applications for the enrollment of Mary E. McCarty, William Erman Johnston, Minnie Gertrude Brown, Fannie B. Brown, Henry Wilton Brown, Hibert Whightington Brown, Otis Dewey Peek, Virgie Peek, Louis Norman Nichols and Golda Ula Nichols as citizens by blood of the Choctaw Nation, and Eli W. Brown, Bessie Nichols and Osa Nichols as citizens by intermarriage of the Choctaw Nation, should be rescinded.

I am further of the opinion that in accordance with the

opinions of the Assistant Attorney General for the Department of the Interior of March 3, 1905 (I.T.D. 187-1905) and March 10, 1906 (I.T.D. 9969-1905), Nanny A. Brown, Nettie McCarty, Mary Ethel McCarty, William H. Brown, Sarah Johnston, Becky Brown, Mar- Johnston, Wmnie (or Minnie) Hudson, Alice Brown, George Brown, Susie Brown, William Erman Johnston, Minnie Gertrude Brown, Henry Niten Brown, Fannie C. Brown, Caswell M. Brown, Maudie Brown, Willie Brown, Albert Knightington Brown, Polly A. Peck, Florence Peck, Oscar Peck, Benjamin Peck, Andrew Peck, Otis Lewey Peck, Virgie Peck, George G. Brown, Willie Emma Brown, James H. Nichols, Nella May Scott, Nancy V. Nichols, John W. B. Nichols, Louie Herman Nichols, Celda Wia Nichols, Orin M. Nichols, James W. Nichols, Maggie M. Nichols, Nettie Myrtle Nichols and Lonie A. Nichols should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that William B. Brown, Nancy Brown, Eli W. Brown, Amanda Brown, Sarah Brown, Nancy C. Nichols, Bessie Nichols, Amanda M. Nichols, and Ona Nichols should be enrolled as citizens by intermarriage of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the application made for the enrollment of Andrew J. Peck as a citizen by intermarriage of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

I am further of the opinion that William A. McCarty, Ollie McCarty, Oscar Lee Johnston, Willie Clarence Brown, Roy Lester Johnston, Edna Arvel Johnston, Teddy Golden Johnston, Rubie Dill Brown, Annie Jewell Brown, Prebble Peek, Cassie Brown, Goldie Brown, Nema May Scott, Lita Lois Scott, Sylvie Jewel Nichols and Cora Lee Nichols should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (Public No. 129), and it is so ordered.

I am further of the opinion that the application made for the enrollment of Daphne Myrtle Nichols as a citizen by blood of the Choctaw Nation should be dismissed, and it is so ordered.

Muskogee, Indian Territory,
Aug. 13, 1906.

Tams Bixby,

COMMISSIONER.

Choctaw 5060.

Muskogee, Indian Territory, April 21, 1905.

Eli W. Brown,

Comanche, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Rebecca C. Brown and H. A. Conger to the birth of Rubie Dill Brown, daughter of Eli W. and Rebecca C. Brown, February 12, 1904.

It appears from our records that on November 29, 1904, the Choctaw and Chickasaw Citizenship Court denied the citizenship in the Choctaw Nation of Becky Brown, the mother of this child.

Respectfully,

Chairman.

Muskogee, Indian Territory, June 16, 1906.

Rebecca C. Brown,

Comanche, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your affidavits and the affidavits of H. A. Conger M. D., to the birth of Minnie Gertrude Brown, Henry Niten Brown, and Rubie Dill Brown, children of Eli W. and Rebecca C. Brown, August 13, 1900, May 21, 1902 and February 12, 1904, respectively.

It appears from the affidavits that you are a citizen by blood of the Choctaw Nation. If this is correct, you are requested to state when, where and under what name application was made for your enrollment, the names of your parents, and other members of your family for whom applications were made at the same time, and if you have selected an allotment of the lands of the Choctaw and Chickasaw Nations, give your roll number as the same appears upon your allotment certificate.

Respectfully,

Commissioner.

7-8060

Muskogee, Indian Territory, July 18, 1906.

Eli W. Brown,

Comanche, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 21, 1906, in which you ask if affidavits to the birth of Minnie Gertrude Brown, Henry Niten Brown and Rubie Dell Brown have been received.

In reply you are advised that affidavits to the birth of the above named children have been received by this office and the same have been filed as applications for the enrollment of said persons.

Respectfully,

Commissioner.

Comanche, I. T., July the 6, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee , I. T.

dear Sir: Replying to your inquiry as to the identity of Rebecca C. Brown, will say my father's name is William W. Brown. My mother is Nancy J. Brown. They always called me Becky and put in my application for enrollment as Becky Brown.

Yours respectfully,

Rebecca C. Brown,

P. S. I was afterward married to Eli W. Brown.

R.C.B.

7-8060

Muskogee, Indian Territory, July 21, 1906.

Rebecca C. Brown,

Comanche, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of July 6, 1906, in which you state that the names of your parents are William M. Brown and Nancy J. Brown, and that you were enrolled as Becky Brown.

In reply you are advised that the information contained in your letter has enabled this office to identify you as having been denied by the Choctaw-Chickasaw Citizenship Court, and has been filed with the affidavits to the birth of your children Minnie Gertrude Brown, Henry Aiten Brown and Rubie Dill Brown.

Respectfully,

Commissioner.

D.O.M.

J.W.H.
W.C.R.
J.W.L.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

GVV
File-S-61.

March 1, 1909.

The Commissioner
to the Five Civilized Tribes.

Sir:

January 26, 1909, you were advised that the names of certain persons were inadvertently included in Departmental letter of January 19, 1909 (File S-61); that such mistake was due to the fact that it was supposed they were enrolled upon schedules approved by the Department, when in fact, the only schedules upon which their names appear were disapproved, and that no action should be taken under the circumstances looking to the erasure of interlineations or notations, if any, from the disapproved schedules, in connection with their names.

The names of the persons referred to in said letter of January 26, 1909, are as follows:

Choctaws by Blood.

Roll No.	
16103	Elizabeth Allen.
16112	George A. Bumgarner.
16110	Lentitia Crutchfield.
16106	Everett Crutchfield.

16111 George W. Crutchfield.

16105 Ida Crutchfield.

16107 Ina Crutchfield.

16106 Louvinia Crutchfield.

16109 William Crutchfield.

921 Josephine Laflere Long.

922 Jake Laflere Long.

16104 David Ritter.

It now appears from the records of the Secretary's Office that there was a schedule approved May 21, 1904, by the Secretary of the Interior, and that the approval then given was cancelled by said Secretary at a later date, to-wit, June 28, 1904.

The name of Elizabeth Allen appears upon the schedule which was approved May 21, 1904, opposite the number 15881. Ida Crutchfield's name appears opposite No. 15883, while the other members of the Crutchfield family were given the numbers immediately following that assigned to her.

You are requested to cause a report to be prepared showing whether the records of your office also show that an earlier schedule containing the names of said persons was approved May 21, 1904; also whether such approval was cancelled June 28, 1904. Please report also the reason for the attempted cancellation, and whether prior notice was given thereof.

It appears further that, in connection with the names of Elizabeth Allen and the Crutchfield family on the roll approved May 21, 1904, the names of Ardella Richman, Ida M. Southard and Grover Randall are also to be found.

In connection with said names, it is desired that you will report what action, in your opinion, should be taken concerning the first of said persons; also whether the said Ida M. Southard and Grover Randall, respectively, are identical with the Ida M. Southard whose name appears opposite No. 15880 in the printed rolls of citizens by blood of the Choctaw Nation, and the Grover Randall whose name appears on page 8 of Departmental letter of January 19, 1909 (File 5-51), opposite No. 15926.

As appears from the above list, there were other persons besides the said Allen and Crutchfields whose names were enrolled on schedules which were finally disapproved by the Department: for example, George A. Dungarner, Josephine Laflore Long and Jake Laflore Long.

Please report whether the names of those persons appear upon any prior approved schedule; also why it was that the Commissioner to the Five Civilized Tribes enrolled them upon the schedule which was disapproved by the Department, showing whether the Commissioner enrolled them thereon, of his own motion, or under decision or instructions from the Department.

By comparison of the roll approved May 21, 1904, with the printed rolls of Choctaws by blood, the Department

finds that the numbers appearing thereon opposite the names of said persons were subsequently assigned to other citizens of the Choctaw Nation; thereby the series of roll numbers was kept perfect, but a material portion of the rolls was evidently sacrificed upon the supposition that it had become worthless. Inquiry arises in this connection as to whether there were other approved schedules which were subsequently disapproved and thrown aside. Accordingly, it is desired that you also cause a report to be prepared covering this feature of the matter, showing all persons embraced in similar cases, with recommendation as to what action should be taken as to them. This will necessitate a statement as to why their names were stricken or cancelled from the rolls, and whether such action was taken without prior notice.

There is still another matter concerning which the Department desires report to be made. It is observed that the words "No person enrolled at this number" are to be found not infrequently opposite consecutive numbers on the pages of the printed rolls; and you are requested to advise the Department whether such words were substituted for the names of individuals appearing on disapproved schedules, and if such is the case, whether such disapproved schedules were approved at any time by the Department; also whether favorable decisions were ever rendered by the Department as to such persons prior to their enrollment upon such disapproved schedules.

For the sake of expedition, a partial report should be rendered at once concerning the said Elizabeth Allen and the various members of the Crutchfield family named above. The other matters referred to herein can be disposed of by subsequent reports.

Very respectfully,

Jesse E. Wilson,

Assistant Secretary.

Through the

Indian Office.

Land
[illegible]-08
17677-08

JFR

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, D. C., Mch. 5, 09.

Respectfully referred to the Commissioner to the Five Civilized Tribes, for appropriate action.

John Frances, Jr.
Acting Chief Land Division.

1 letter dated Mch. 1, 09.

Land
31790-1909.
J. L. B.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
Washington.

Jun 25, 1909.

Enrollment case of
Wm. B. Brown et al.

The Commissioner
to the Five Civilized Tribes.
Muskogee, Oklahoma.

Sir:

Referring to your report of April 20, 1909, relative to the consolidated Choctaw enrollment case of William B. Brown et al., you are advised, that on June 15, 1909, the Department held that the case mentioned was not analogous to that of John E. Goldsby, and did not come within the principles announced by the Supreme Court of the United States in that case, (211 U. S. 249).

The Department, therefore, declined to take any action looking to the enrollment of any of the applicants in the consolidated case of William B. Brown et al.

A copy of approved Office letter of May 17, 1909, is inclosed for your further information.

You are requested to notify the parties in interest.

Very respectfully,

J. H. Bartch,
Acting Chief Clerk.

KRE-19
2550.

D-7339

Land
31790-1909
J E D

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
Washington.

C.R.
J.W.
J.F. Jr.
W.R.H.

Enrollment case of
William B. Brown et al.

May 17, 1909.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of March 1, 1909, there is transmitted herewith a report dated April 20, 1909, from the Commissioner to the Five Civilized Tribes, relative to the enrollment case of William B. Brown et al. The history of the claim is set out fully in the reports enclosed.

The records shows, among other things, that on August 13, 1906, the Commissioner to the Five Civilized Tribes rendered a decision that Nancy A. Brown, Bettie McCarty, Mary Ethel McCarty, William M. Brown, Sarah Johnston, Becky Brown, Mary Johnston, Minnie (or Minnie) Hudson, Alice Brown, George Brown, Susie Brown, William Brown Johnston, Minnie Gertrude Brown, Henry Niten Brown, Fannie C. Brown, Caswell M. Brown, Mandie Brown, Willie Brown, Wilbert Knighington Brown, Polly A. Peek, Florence Peek, Oscar Peek Benjamin Peek, Andrew Peek, Otis Dewey Peek, Virgie Peek, George G. Brown, Willie Emma Brown, James R. Nichols, Delia May Scott, Nancy V. Nichols, John W. B. Nichols, Louie Norman Nichols, Golda Ula Nichols, Orin H.

Nichols, James W. Nichols, Maggie M. Nichols, Mettie Myrtle Nichols and Lonie A. Nichols should be enrolled as citizens by blood and William B. Brown, Nancy Brown, Eli W. Brown, Amanda Brown, Sarah Brown, Nancy C. Nichols, Maggie Nichols, Amanda B. Nichols and Ora Nichols as citizens by intermarriage of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stat. L. 495) and July 1, 1902 (32 Stat., L. 641).

The applications for the enrollment of William A. McCarty, Ollie McCarty, Oscar Lee Johnston, Willis Clarence Brown, Roy Lester Johnston, Nona Arvel Johnston, Teddy Golden Johnston, Bubie Bill Brown, Annie Jewell Brown, Prebble Peek, Cassie Brown, Goldie Brown, Nona May Scott, Lita Lois Scott, Sylvia Jewel Nichols and Cora Lee Nichols were also granted under the provisions of the Act of Congress approved April 26, 1906 (34 Stat. L. 137).

The application for the enrollment of Andrew J. Peek as a citizen by intermarriage was denied and the application for the enrollment of Daphne Myrtle Nichols as a citizen by blood of the Choctaw Nation was dismissed.

It appears that on August 14, 1906, the record in the case, together with the decision, was forwarded by the Commissioner to the Five Civilized Tribes, and that on February 7, 1907, he transmitted to the Department schedule of citizens of the Choctaw Nation by blood and by marriage, containing the names of persons who were favorably passed upon by

him in his decision of August 13, 1906, in this case. It appears also that on February 26, 1907, the Commissioner, referring to Department letter of February 23, 1907, invited the Department's attention to the above-mentioned schedules, and to the Choctaw enrollment case of William B. Brown, et al, and recommended, in view of the opinion of the Attorney General dated February 19, 1907, in the Louis West and other cases, that his decision of August 13, 1906, be not approved, and that the schedules referred to be disapproved.

On March 1, 1907, the Department reversed the decision of the Commissioner so far as it was favorable to the applicants, and disapproved the schedules containing their names.

The Commissioner to the Five Civilized Tribes reports further that his office has no record of any favorable decision of the Department as to the persons included in this case.

It appears also that their names have never been placed upon any roll or schedule of citizens of the Choctaw Nation prepared by the Commissioner to the Five Civilized Tribes and approved by the Department.

The Office concurs in the view of the Commissioner to the Five Civilized Tribes that as the record in the case is a complete one, the applicants could add nothing material thereto at this time, and to have them appear at his office

to give further testimony would only make additional expense for them and work a hardship without any benefit accruing therefrom.

On April 9, 1909, the Office requested the Commissioner to the Five Civilized Tribes to take no steps pending the preparation of his report concerning the enrollment case of William B. Brown et al toward the issuance of a patent to any adverse party in interest to the lands occupied by the applicants in the above mentioned case. The Commissioner was also requested to instruct the United States Indian Agent, at Union Agency, to suspend action, if any was contemplated, toward dispossessing the applicants of the lands occupied by them until further advised by the Department.

The Commissioner reports that no formal allotments were made to the persons included in the above case, but that applications were made in their behalf for certain lands which were involved in Chickasaw contest cases. The contests in behalf of these claimants were dismissed by the Commissioner to the Five Civilized Tribes, and on October 18, 1907, the Office held that the action of the Commissioner was proper, and recommended that he be advised that all applications for allotments in behalf of these persons should be denied.

This recommendation was approved by the Department on October 14, 1907. It appears from the report of the Commissioner to the Five Civilized Tribes that the lands in contest

were awarded to the contestees and patents therefor were recorded and delivered to them. Title having passed to the contestees, the Department is now without authority to place or permit the applicants in the William B. Brown case to remain in possession of the lands covered by the patents issued to the contestees, even in the event of the Department rendering a favorable decision relative to their enrollment.

The Commissioner reports that his office has no record of the applicants in the case mentioned holding or claiming possession of any other lands in the Choctaw or Chickasaw Nations, but says that if they are in occupancy of such other lands his office will, upon receipt of a description thereof, make a record of the claims pending further action by the Department.

The Office is of the opinion that the case of William B. Brown et al., is not analogous to that of John B. Goldsby, and that it does not come within the principles announced by the Supreme Court of the United States in its decision of November 30, 1908, in that case (211 U. S. 249)

It is therefore recommended that the Department take no action looking to the enrollment of any of the applicants included in the consolidated case of William B. Brown, et al.

The record in the case, and other papers pertaining thereto, are transmitted herewith for your further information.

Very respectfully,

E. G. Valentine,
Acting Commissioner.

RMS 11
sel
WCP June 18, 1909. JWM

Approved:
Frank Pierce,

Muskogee, Oklahoma, June 22, 1909.

Mr. Eli W. Brown,
Comanche, Oklahoma.

Sir:

You are hereby notified that on June 15, 1909, the Secretary of the Interior held that the Choctaw enrollment case of William B. Brown et al., which which the case of your wife Becky Brown was consolidated, was not analogous to that of John E. Goldsby (211 U. S. 249) and declined to take any action looking to the enrollment of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in said Goldsby case.

Respectfully,

WHA-EB. Commissioner.

Choc. Minor 921

Annie Jewell Brown

Aug. 13, 1906 Granted.

Mar 1, 1907 Decision of Commissioner revised by Dept. and schedule containing name of this applicant disapproved.

March 1, 1909 Dept. requests report.

Apr. 20, 1909 Report to Dept.

Jun 15, 1909 Dept. holds case is not analogous to Goldsby case and declines to take action looking to enrollment of applicant.

June 29, 1909 Parties notified.

M921

O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William B. Brown, et al., as citizens of the Choctaw Nation, consolidating the applications of

William B. Brown, et al.	7-5096,
William W. Brown, et al.	7-5060,
Eli W. Brown, et al.	7-D-432,
Caswell M. Brown, et al.	7-5066,
Andrew J. Peck, et al.	7-5062,
George G. Brown, et al.	7-5095,
James B. Nichols, et al.	7-5100,
John W. B. Nichols, et al.	7-5097,
Orin M. Nichols, et al.	7-5061,
Osa Nichols, et al.	7-D-509.

D E C I S I O N.

It appears from the census card records in this case that on September 22, 1898, application was made to the Commission to the Five Civilized Tribes for the enrollment of William B. Brown (sixty-one years of age), as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his two children, Nancy A. Brown, (twenty-three years of age) and Bettie Brown, now McCarty (nineteen years of age), as citizens by blood of the said nation; on September 22, 1898, for the enrollment of William W. Brown (thirty-nine years of age), and his seven minor children, Sarah Brown, now Johnston (eighteen years of age), Becky Brown (sixteen years of age), Mary Brown, now Johnston (thirteen years of age), Mamie (or Minnie) Brown, now Hudson (eleven years of age), Alice Brown (eight years of age), George Brown (five years of age) and Susie Brown (one year of age), as citizens by blood of the Choctaw Nation, and for the enrollment of Nancy Brown (thirty-six years of age) as a citizen by intermarriage of said nation; on September 5,

1899, for the enrollment of Eli W. Brown (twenty-eight years of age) as a citizen by intermarriage of the Choctaw Nation; on September 22, 1898, for the enrollment of Caswell M. Brown (thirty-four years of age), and his two minor children, Maudie (ten years of age) and Willie Brown (six years of age), as citizens by blood of the Choctaw Nation, and on October 18, 1898, for the enrollment of his wife, Amanda Brown (thirty-one years of age), as a citizen by intermarriage of said nation; on September 22, 1898, for the enrollment of Andrew J. Peck (thirty-two years of age) as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Polly A. Peel (thirty years of age), and his five minor children, Florence (nine years of age), Oscar (seven years of age), Benjamin G. (five years of age), Andrew (three years of age), and Otis Dewey Peck (two months of age), as citizens by blood of said nation; on September 22, 1898, for the enrollment of George G. Brown (twenty-six years of age), and his minor daughter, Willie Emma Brown (three years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Sarah Brown (twenty-one years of age), as a citizen by intermarriage of said nation; on September 22, 1898, for the enrollment of James R. Nichols (forty-eight years of age), and his two minor children, Della, May Nichols, now Scott (fourteen years of age), and Nancy V. Nichols (seven years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Nancy C. Nichols, (forty-two years of age), as a citizen by intermarriage of said nation; on September 22, 1898, for the enrollment of John W. B. Nichols (twenty-four years of age) as a citizen by blood of the Choctaw Nation, and for the enrollment of his wife, Bessie Nichols (eighteen years of age), as a citizen by intermarriage of

said nation; on September 22, 1898, for the enrollment of Orin M. Nichols (forty-four years of age), and his four minor children, James W. (eighteen years of age), Maggie M. (twelve years ofage), Mettie Myrtle (eight years of age), and Lonie A. Nichols (four years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Amanda M. Nichols (thirty-eight years of age), as a citizen by intermarriage of said nation; and on September 25, 1899, for the enrollment of Osa Nichols (seventeen years of age) as a citizen by intermarriage of the Choctaw Nation.

Applications were subsequently made for the enrollment of the following minor applicants as citizens by blood of the Choctaw Nation: On January 20, 1902, for the enrollment of Mary Ethel McCarty (born December 8, 1901); on May 31, 1906, for the enrollment of William A. McCarty (born April 21, 1904) and Ollie McCarty (born February 14, 1906); on October 13, 1900, for the enrollment of William Erman Johnston (born June 30, 1900); on October 19, 1900, for the enrollment of Minnie Gertrude Brown (born August 13, 1900); on May 16, 1901, for the enrollment of Fannie C. Brown (born February 11, 1901); on April 29, 1905, for the enrollment of Oscar Lee Johnston (born November 14, 1902); on April 29, 1905, for the enrollment of Willie Clarence Brown (born April 8, 1903); on July 12, 1902, for the enrollment of Henry Niten Brown, (born May 21, 1902); on April 29, 1905, for the enrollment of Roy Lester Johnston (born October 28, 1903); on May 21, 1906 for the enrollment of Edna Arvel Johnston (born March 21, 1905); on April 14, 1905, for the enrollment of Rubie Dill Brown (born February 12, 1904); in 1899, for the enrollment of Elbert Knightington Brown (born October 8, 1899); on April 7, 1905, for the enrollment of Annie JewellBrown (born December 2, 1902); on December 10, 1901, for the enrollment of Virgie Peek (born October 11, 1901); on April 8, 1905, for the enrollment of Prebble Peek (born February 19, 1904);

on May 21, 1906, for the enrollment of Cassie Brown (born May 30, 1900) and Goldie Brown (born September 5, 1904); on April 17, 1905, for the enrollment of Nema May Scott (born May 15, 1903) and Lita Scott (born February 1, 1906); on September 1, 1900, for the enrollment of Louie Herman Nichols (born August 19, 1900); on December 27, 1901, for the enrollment of Golda Ula Nichols (born September 15, 1901); on April 1, 1905, for the enrollment of Sylvie Jewel Nichols (born August 26, 1903); on April 14, 1905, for the enrollment of Cora Lee Nichols (born November 6, 1902); on April 6, 1901, for the enrollment of Daphne Myrtle Nichols (born February 20, 1901); and on May 21, 1906, for the enrollment of Teddy Golden Johnston (born June 15, 1905).

It appears from the records of the Commission to the Five Civilized Tribes that on September 9, 1896, in the case entitled "Nancy Cooper, et al. vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 1418), original application was made to said Commission, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321), for admission to citizenship in the Choctaw Nation of the applicants, Nancy A. Brown (as Nancy Alice Brown), Bettie McCarty (as Rebecca Elizabeth Brown), William M. Brown (as William Niten Brown), Sarah Johnston (as Sarah Elizabeth Brown), Becky Brown (as Rebecca Catherine Brown), Mary Brown (as Mary Arrillie Brown), Mamie (or Minnir) Hudson (as Minnie Ann Brown), Alice Brown, George Brown (as George Montgomery Brown), Caswell M. Brown, Maudie Brown (as Mandy E. Brown), Willie Brown (as William G. Brown), Polly A. Peck (as Polly Ann Peck), Florence Peck (as Minnie F. Peck), Oscar Peck (as Oscar S. Peck), Benjamin Peck (as Benjamin G. Peck), Andrew Peck, George G. Brown, Willia Emma Brown, James B. Nichols (as James Bruten Nichols), Della May Scott (as Mary Della May Nichols), Nancy V. (Nannie Velma Nichols),

John W. B. Nichols (as John William Bethuel Nichols), Orin M. Nichols (as Orrin Maybery Nichols), James W. Nichols (as James Willis Nichols), Maggie M. Nichols (as Maggie May Nichols), Nettie Myrtle Nichols, Lenie A. Nichols (as Lena Alta Nichols), as citizens by blood of said nation, and for the admission of William B. Brown, Nancy J. Brown (as Nancy Jane Brown), Amanda Brown, Andrew J. Peek, (as A. J. Peek), Sarah Brown, Nancy C. Nichols (as Nancy Caroline Nichols), and Amanda M. Nichols (as Amanda Melvina Nichols), as citizens by intermarriage of said nation; and that on December 8, 1898, said Commission rendered its decision therein, denying the application of the above named applicants for enrollment as citizens of the Choctaw Nation.

From the decision of said Commission an appeal was taken to the United States Court for the Southern District of Indian Territory, which court on December 27, 1897, in the case entitled "Nancy J. Cooper, et al. vs. Choctaw Nation" (Southern District Citizenship Case No. 96), admitted Nancy A. Brown (as Nancy Alice Brown), Bettie McCarty (as Bettie Brown), Sarah Johnson (as Sarah Brown), Becky Brown, Mary Brown, Mamie (or Minnie) Hudson (as Mamie Brown), Alice Brown, George Brown, Susie Brown, Caswell M. Brown (as Caswell Marion Brown), Maudie Brown, Willie Brown, Polly A. Peck (as Polly Ann Peck), Florence Peck, Oscar Peck, Benjamin Peck (as Benjamin Grant Peck), Andrew Peck, George G. Brown, Willie Emma Brown, James B. Nichols (as James Bruton Nichols), Della May Scott (as Dell May Nichols), Nancy V. Nichols (as Nancy Velmer Nichols), Orin M. Nichols (as Orin Mayberry Nichols), James W. Nichols (as James Willis Nichols), Maggie M. Nichols (as Maggie May Nichols), Nettie Myrtle Nichols (as Myrtle Nichols), and Lenie A. Nichols (as Lenie Alta Nichols), as citizens by blood of the Choctaw Nation, and William B. Brown (as William Bluford Brown), Andrew J. Peck (as Andrew Jackson Peck), and Nancy C. Nichols (as

Nancy Caroline Nichols), as citizens by intermarriage of said nation, and denied the applications for the admission of Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, and Amanda M. Nichols (as Amanda Melvina Nichols), as citizens by intermarriage of the Choctaw Nation. The name of the applicant, Susie Brown, was interpolated in the judgment of said court, she not having been an applicant before the Commission to the Five Civilized Tribes in 1896.

On March 18, 1898, said case again came before said court upon a motion of the plaintiff's attorneys to correct the judgment of said court rendered December 20, 1897, and the court, thereupon, ordered said judgment corrected so as to admit the applicants, Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, Amanda M. Nichols (as Amanda Melvina Nichols), as citizens by intermarriage of the Choctaw Nation.

On September 28, 1898, said court rendered a supplemental judgment admitting Amanda Brown as a citizen by intermarriage of the Choctaw Nation.

On January 17, 1900, this cause came before said court upon a motion of the defendant to strike out of the judgment theretofore rendered, certain names improperly admitted to citizenship, and said court being fully advised, ordered that the following names, Susie Brown, Andrew J. Peck as (Andrew Jackson Peck), Bettie McCarty (as Bettie Brown), and Becky Brown, be stricken from said former judgment.

Subsequently, upon the representation of the plaintiff's attorneys that certain persons who were original applicants were by oversight or mistake left out of the original judgment theretofore rendered, the court ordered that the applicants, Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, Amanda Brown, Amanda M. Nichols and Rebecca E. Brown be admitted to citizenship in the

Choctaw Nation.

It further appears from the records of said Commission that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgement of the United States Court for the Southern District of Indian Territory?

Thereafter, the record in the above case was certified to the Choctaw and Chickasaw Citizenship Court, for a trial de novo, which court, on November 29, 1904, in the case entitled, "William Neighton Brown, et al. vs. Choctaw and Chickasaw Nations" (Choctaw Chickasaw Citizenship Court Case No. 73, Tishomingo Docket), "ordered, adjudged and decreed that the petition of the plaintiffs, William Neighton Brown (or William Wnighton Brown), Caswell Marion Brown, Polly Ann Peck (nee Brown), George P. Brown (or George C. Brown), Money Allis Brown (or Money Alice Brown), Sarah Brown, Mary Brown, Menie Brown (or Mamie Brown), Alice Brown, George Brown, Mendie Brown (or Maudie Brown), Willie Brown, Florence Peck, Oscar Peck, Benjamin Grant Peck, Andrew Peck, William Emma Brown, (or Willie Emma Brown),.....James Burton Nichols, (or James Bruton Nichols), Ondy Mayberry Nichols (or Orin Mayberry Nichols), John William Boffin Nichols, Delia May Nichols, Nancy Velmer Nichols, Lonie Alta Nichols,.....William Buford Brown, Nancy Caroline Nichols, Rebecca E. Brown (or Becky Brown), Rebecca C. Brown (or Rebecca Brown), Amanda Melvina Nichols, Amanda Brown, Nancy J. Brown (or Nancy Jane Brown), Sarah Brown,.....be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom."

On December 12, 1904, orders were entered of record by the Commission to the Five Civilized Tribes dismissing the applica-

tions for the enrollment of Mary E. McCarty, William Erman Johnston, Minnie Gertrude Brown, Henry Niten Brown, Elbert Knighting-ton Brown, Otis Dewey Peck, Virgie Peck, Louie Herman Nichols and Golda Ula Nichols as citizens by blood of the Choctaw Nation, and on March 18, 1905, an order was entered of record dismissing the application for the enrollment of Fannie C. Brown as a citizen by blood of said nation. All of said applicants were dismissed for the reason that their parents through whom they claim their rights to enrollment as citizens by blood of the Choctaw Nation, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court/

On December 12, 1904, orders were entered of record by the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of Eli W. Brown, Bessie Nichols and Osa Nichols as citizens by intermarriage of the Choctaw Nation, for the reason that the persons through whom they claim their rights had also been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

On March 30, 1905, the Commission to the Five Civilized Tribes denied the application for the enrollment of Susie Brown as a citizen by blood of the Choctaw Nation, and on April 6, 1906 (I.T.D. 3810-1905), the Department set aside said decision of the Commission and returned the record to this office for a full investigation upon its merits.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes of January 2, 1906, there was filed on February 6, 1906, by Cruce, Cruce and Bleakmore, of Ardmore, Indian Territory, attorneys for the petitioners, petitions praying that William B. Brown, Nancy A. Brown, Minnie Hudson, Sarah Johnston, Oscar Lee Johnston, William Erman Johnston, Rebecca Brown, Minnie Gertrude Brown, Henry Niten Brown, Rubie Dill

Brown, Eli W. Brown, Mary A. Johnston, Roy Lester Johnston, Edna A. Johnston, Rebecca McCarty, William A. McCarty, Mary E. McCarty, William F. Brown, Nancy Jane Brown, George Brown, Alice Brown, Susie Brown, Cletus Brown, Clarence Brown, A. J. Peck, Polly Ann Peck, Minnie Peck, Oscar Sherman Peck, Benjamin Grant Peck, Andrew Peck, O. D. Peck, Virgie Peck, Prebble Peck, C. M. Brown, Amanday Brown, Maudy Brown, William Brown, Elbert K. Brown, Annie Jewel Brown, George G. Brown, Sarah Brown, Willie Emma Brown, Cassie Brown, Goldie Brown, J. B. Nichols, Nancy Nichols, Belma Nichols, John W. B. Nichols, Bessie Deaton Nichols, Louie Herman Nichols, Golda Eula Nichols, Silva Jewel Nichols, Della May Scott, Wema Scott, Orin W. Nichols, Amanda Nichols, Myrtle Nichols, Lonie Nichols, James W. Nichols, Osa Nichols, Cora Lee Nichols, and Maggie Angel be enrolled as citizens of the Choctaw Nation.

All of the above petitioners, with the exception of Ollie McCarty, Lita Lois Scott, Daphne Myrtle Nichols and Teddy Golden Johnston, are identical with the applicants for whom application has been made for enrollment as citizens of the Choctaw Nation.

On April 16, 1906, the principal petitioners, their attorneys, Cruce, Cruce & Bleakmore, of Ardmore, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, of South McAlester, Indian Territory, were advised that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday, May 14, 1906, at nine o'clock A. M., hear such testimony and receive such other evidence as might be submitted by the petitioners in support of their applications for enrollment as citizens of the Choctaw Nation, and by the attorneys for the

Choctaw and Chickasaw Nations.

On April 16, 1906, William M. Brown, father of Susie Brown, Cruce, Cruce & Bleakmore, attorneys for said Susie Brown, and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, were advised that on April 6, 1906, the Department set aside the decision rendered by the Commission on March 30, 1905, and returned the record in said case with instructions that a full investigation be made of the rights of said Susie Brown to enrollment as a citizen by blood of the Choctaw Nation; that the testimony of creditable witnesses be required showing her Choctaw blood, if any, the time and place of her birth, her various residences, her ancestors, the privileges, if any, enjoyed by her and her parents as citizens of the Choctaw Nation; and notified that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday, May 14, 1906, at nine o'clock A. M., hear such testimony and receive such other evidence as might be submitted in support of said application, investigation to be conducted along the lines indicated by Department letter above referred to.

On Motion of Attorney for applicants, the hearing in the matter of the above application was continued on April 26, 1906, to May 21, 1906.

On May 21, 1906, proceedings were had in the matter of said applications in pursuance to the notices above mentioned.

It appears from the record herein that the applicants, William M. Brown, Caswell M. Brown, Polly Ann Peek, George C. Brown, Nancy A. Brown, and Bettie McCarty, are the children of the principal applicant, William M. Brown, and Rebecca Cooper (now deceased), who is alleged to have been a Choctaw Indian, and the daughter of William Cooper, who was the son of Johnny

Cooper, an alleged Choctaw Indian, who resided near the line between the states of Tennessee and Mississippi; that Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie), Hudson, Alice Brown, George Brown, Susie Brown, Fannie C. Brown and Willie Clarence Brown, are the children of the applicants William N. Brown and Nancy J. Brown, (the latter an applicant for intermarried rights); that William Erman, Oscar Lee and Teddy Golden Johnston are the children of the applicant, Sarah Johnston, and J. A. Johnston, a non-citizen; that Minnie Gertrude, Henry Niten and Pubie Dill Brown are the children of the applicants, Becky Brown and Eli W. Brown, (the latter an applicant for intermarried rights); that Roy Lester and Edna Arvel Johnston are the children of the applicant, Mary Johnston, and Jace J. Johnston, a non-citizen; that Maudie, Willie, Elbert Knightington, and Annie Jewell Brown, are the children of the applicant, Caswell M. Brown and Amanda Brown (the latter an applicant for intermarried rights); that Florence, Oscar, Benjamin, Andrew, Otis Dewey Virgie and Prebble Peck are the children of the applicant, Polly Ann Peck and Andrew J. Peck (the latter an applicant for intermarried rights); that Willie Emma, Cassie and Goldie Brown are the children of the applicants, George G. Brown and Sarah Brown (the latter an applicant for intermarried rights); that Mary Ethel, William A. and Ollie McCarty are the children of the applicant Bettie McCarty and Oliver McCarty, a non-citizen; that James B. Nichols and Orin M. Nichols are the children of Wilson Nichols (now deceased), a non-citizen, and Delitha Cooper (now deceased), who is alleged to have been a Choctaw Indian and the daughter of John Cooper, above referred to; that John W. B. Nichols, Della May Scott and Nancy V. Nichols are the children of the applicant, James B. Nichols,

and Nancy C. Nichols (the latter an applicant for intermarried rights); that Louie Herman, Golda Ula and Sylvie Jewel Nichols are the children of the applicant, John W. B. Nichols and Bessie Nichols (the latter an applicant for intermarried rights); that Nema May and Lita Lois Scott are the children of the applicant, Della May Scott, and Burris Scott, a non-citizen; that James W., Maggie M., Mettie Myrtle and Lonie A. Nichols are the children of the applicant, Orin M. Nichols and Amanda M. Nichols (the latter an applicant for intermarried rights); and that the applicant, Cora Lee and Daphne Myrtle Nichols, are the children of the applicants, James W. Nichols and Osa Nichols (the latter an applicant for intermarried rights).

The applicant, William B. Brown, claims his right to citizenship in the Choctaw Nation by the virtue of his marriage on February 10, 1858, under the laws of the state of Arkansas, to Becky Cooper (now deceased); that Nancy Brown claims her right to enrollment as a citizen by intermarriage by virtue of her marriage to the applicant, William M. Brown, on September 21, 1879; that Eli W. Brown claims his right to enrollment as a citizen by intermarriage by virtue of his marriage on August 21, 1899, under the laws, customs and usages of the Chickasaw Nation to the applicant, Becky Brown, both of said applicants being at said time residents in good faith of the Chickasaw Nation; that Amanda Brown claims her right to enrollment as a citizen by intermarriage by virtue of her marriage on December 2, 1886, to the applicant, Caswell M. Brown; that Andrew J. Peck claims his right to enrollment as a citizen by intermarriage by virtue of his marriage on December 15, 1887, under the laws of the state of Arkansas to the applicant, Polly A. Peck; that Sarah Brown claims her right to enrollment as a citizen by intermarriage by virtue of her mar-

riage to George C. Brown on June 9, 1895; that the applicant, Nancy C. Nichols, claims her right to enrollment as a citizen by intermarriage by virtue of her marriage to the applicant, James B. Nichols, on March 9, 1873; that the applicant, Bessie Nichols, claims her right to enrollmentas a citizen by intermarriage by virtue of her marriage on September 11, 1898, to the applicant, John W. B. Nichols; that Amanda M. Nichols claims her right to enrollment as a citizen by intermarriage by virtue of her marriage on October 20, 1878, to the applicant, Orin M. Nichols; and that Osa Nichols claims her right to enrollment as a citizen by intermarriage by virtue of her marriage on April 27, 1899, to the applicant, James W. Nichols.

It does not appear from the record herein or from the records in the possession of this office that the applicant, Andrew J. Peck, has ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, nor has said applicant ever been married to Polly Ann Peck, through whom he claims his intermarried rights, by virtue of a license issued by the tribal authorities of either the Choctaw or Chickasaw Nation.

At the hearing before the Commissioner to the Five Civilized Tribes on May 21, 1906, William H. Brown, Caswell M. Brown, James B. Nichols, and Orin M. Nichols testified that in 1894 they, together with the other applicants herein who were living at said time, petitioned the Choctaw Council for admission as citizens of the Choctaw Nation; that no action having been taken thereon, they,

in 1896, appeared before the Choctaw Census Commission and made application to be enrolled upon the 1896 Choctaw Census Roll; and that some time in January, 1897, they received a certificate from the Secretary of the Choctaw Revisory Board, wherein it appeared that they had been enrolled upon the 1896 Choctaw Census Roll. Said applicants further testified that prior to 1896 they had been permitted to issue permits for their tenants, held lands, and were not subject to any tribal tax which was due from all non-citizens who were engaged in the mercantile business.

On June 4, 1906, John H. Gamblin testified that he was acquainted with the applicants herein, and that in October, 1894, he having business before the Choctaw Council, presented on behalf of the applicants herein who were living at that time, a petition praying that they be admitted as citizens of the Choctaw Nation, and that he does not know what action, if any, was ever taken thereon.

Upon an examination of the tribal rolls of the Choctaw Nation in the possession of this office, it appears that the applicants, William B. Brown, William H. Brown, Nancy J. Brown, Caswell M. Brown, Amanda Brown, Polly Ann Peek, Andrew J. Peek, George G. Brown, Sarah Brown, Nancy A. Brown, Bettie McCarty, Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie) Hudson, Alice Brown, George Brown, Susie Brown, Maudie Brown, Willie Brown, Florence Peek, Oscar Peek, Benjamin Peek, Andrew Peek, James B. Nichols, Nancy C. Nichols, Orin M. Nichols, Amanda M. Nichols, John W. B. Nichols, Della May Scott, Nancy V. Nichols, James W. Nichols, Maggie M. Nichols, Nettie Bystle Nichols and Lonie A. Nichols, are identified upon the 1896 Choctaw Census Roll opposite numbers 1688, 1691, 1692, 1701, 1702, 10518, 10517, 1705, 1706, 1689, 1690, 1693, 1694, 1695, 1696, 1697, 1698, 1699,

1703, 1704, 10519, 10520, 10521, 10522, 9803, 9808, 9812, 9813, 9809, 9810, 9811, 9814, 9815, 9816, and 9817, respectively.

It further appears from the record herein that all of the applicants that were living on June 28, 1898, were residents in good faith of the Indian Territory on said date.

The evidence in this case further shows that the applicant, Daphne Myrtle Nichols, died on June 27, 1901.

I am of the opinion that in accordance with the opinions of the Assistant Attorney General for the Department of the Interior of February 10, 1905 (I.T. D. 10353-1904) and December 8, 1905 (I.T.D. 3693-1905), in the case of Lula West, the action of the Commission to the Five Civilized Tribes, and the subsequent action of the United States Court for the Southern District of Indian Territory, and the Choctaw and Chickasaw Citizenship Court upon the right of the applicants who applied to the Commission to the Five Civilized Tribes in 1896, with the exception of Andrew J. Peck, was without authority of law, and of no force and effect upon the status of said applicants as citizens of the Choctaw Nation.

I am further of the opinion that the orders of the Commission to the Five Civilized Tribes of December 12, 1904 and March 18, 1905, dismissing the applications for the enrollment of Mary E. McCarty, William Erman Johnston, Minnie Gertrude Brown, Fannie C. Brown, Henry Niten Brown, Elbert Knightington Brown, Otis Dewey Peck, Virgie Peck, Louis Herman Nichols and Golda Ula Nichols as citizens by blood of the Choctaw Nation, and Eli W. Brown, Bessie Nichols and Osa Nichols as citizens by intermarriage of the Choctaw Nation, should be rescinded.

I am further of the opinion that in accordance with the

opinions of the Assistant Attorney General for the Department of the Interior of March 3, 1905 (I.T.D. 187-1905) and March 10, 1905 (I.T.D. 9969-1905), Nancy A. Brown, Bettie McCarty, Mary Ethel McCarty, William W. Brown, Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie) Hudson, Alice Brown, George Brown, Susie Brown, William Erman Johnston, Winnie Gertrude Brown, Henry Witen Brown, Fannie C. Brown, Caswell M. Brown, Maudie Brown, Willie Brown, Elbert Knightington Brown, Polly A. Peck, Florence Peck, Oscar Peck, Benjamin Peck, Andrew Peck, Otis Dewey Peck, Virgie Peck, George G. Brown, Willie Emma Brown, James H. Nichols, Della May Scott, Nancy V. Nichols, John W. B. Nichols, Louie Herman Nichols, Golda Ula Nichols, Orin M. Nichols, James W. Nichols, Maggie M. Nichols, Mattie Myrtle Nichols and Lonie A. Nichols should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that William B. Brown, Nancy Brown, Eli W. Brown, Amanda Brown, Sarah Brown, Nancy C. Nichols, Bessie Nichols, Amanda M. Nichols, and Osa Nichols should be enrolled as citizens by intermarriage of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the application made for the enrollment of Andrew J. Peck as a citizen by intermarriage of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

I am further of the opinion that William A. McCarty, Ollie McCarty, Oscar Lee Johnston, Willie Clarence Brown, Roy Lester Johnston, Edna Arvel Johnston, Teddy Golden Johnston, Rubie Dill Brown, Annie Jewell Brown, Prebble Pack, Cassie Brown, Goldie Brown, Mama May Scott, Lita Lois Scott, Sylvie Jewel Nichols and Cora Lee Nichols should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (Public No. 129), and it is so ordered.

I am further of the opinion that the application made for the enrollment of Daphne Myrtle Nichols as a citizen by blood of the Choctaw Nation should be dismissed, and it is so ordered.

Tams Bixby,

Muskogee, Indian Territory,

Aug. 13, 1906. COMMISSIONER.

7-6066

Muskogee, Indian Territory, June 15, 1906.

Caswell M. Brown,

Robberson, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 8, 1906, inclosing affidavits of Amanda Brown and J. H. Linzy to the birth of Anney J. Brown, child of Caswell M. Brown and Amanda Brown, December 3, 1902.

Respectfully,

Commissioner.

1-12903

Land
31790-1909
J.M.D

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS
Washington. Jan 25, 1909

Enrollment case of
Wm. H. Brown et al.

The Commissioner

to the Five Civilized Tribes,

Muskogee, Oklahoma.

Sir:

Referring to your report of April 30, 1909, relative to the consolidated Choctaw enrollment case of William H. Brown et al., you are advised, that on June 15, 1909, the Department held that the case mentioned was not analogous to that of John R. Goldsby, and did not come within the principles announced by the Supreme Court of the United States in that case, (211 U. S. 249). The Department, therefore declined to take any action looking to the enrollment of any of the applicants in the consolidated case of William H. Brown et al.

A copy of approved Office letter of May 17, 1909, is inclosed for your further information.

You are requested to notify the parties in interest.

Very respectfully,

J. M. Dartch,
Acting Chief Clerk.

WHH-19
2438.

D-7339

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
Washington.

C.R.
J.W.
J.F. Jr.
W.R.L.

Land
31790-1909
J E D

Enrollment case of
Wm. B. Brown et al.

May 17, 1909

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of March 1, 1909, there is transmitted herewith a report dated April 20, 1909, from the Commissioner to the Five Civilized Tribes, relative to the enrollment case of William B. Brown et al. The history of the claim is set out fully in the reports enclosed.

The record shows, among other things, that on August 15, 1906, the Commissioner to the Five Civilized Tribes rendered a decision that Nancy A. Brown, Bettie McCarty, Mary Ethel McCarty, William M. Brown, Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie) Madsen, Alice Brown, George Brown, Susie Brown, William Ernest Johnston, Minnie Gertrude Brown, Henry Hiter Brown, Fannie C. Brown, Caswell M. Brown, M Mandie Brown, Willie Brown, Hibert Knightington Brown, Polly A. Peck, Florence Peck, Oscar Peck, Benjamin Peck, Andrew Peck, Otis Dewey Peck, Virgie Peck, George G. Brown, Willie Emma Brown James B. Nichols, Delia May Scott, Nancy V. Nichols, John W.

B. Nichols, Lonie Norman Nichols, Golda Ola Nichols, Orin M. Nichols, James W. Nichols, Maggie M. Nichols, Mettie Myrtle Nichols and Lonie A. Nichols should be enrolled as citizens by blood and William B. Brown, Nanny Brown, Eli W. Brown, Amanda Brown, Sarah Brown, Nancy C. Nichols, Bessie Nichols, Amanda M. Nichols and Ora Nichols as citizens by intermarriage of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stat. L. 495) and July 1, 1902 (32 Stat., L. 641).

The applications for the enrollment of William A. McCarty, Ollie McCarty, Oscar Lee Johnston, Willie Clarence Brown, Roy Lester Johnston, Edna Arvel Johnston, Teddy Goldem Johnston, Rubie Dill Brown, Annie Jewell Brown, Prebble Peek, Cassie Brown, Goldie Brown, Nema May Scott, Lita Lois Scott, Sylvia Jewel Nichols and Cora Lee Nichols were also granted under the provisions of the Act of Congress approved April 26, 1906 (34 Stat. L. 137).

The application for the enrollment of Andrew J. Peek as a citizen by intermarriage was denied and the application for the enrollment of Daphne Myrtle Nichols as a citizen by blood of the Choctaw Nation was dismissed.

It appears that on August 14, 1906, the record in the case, together with the decision, was forwarded by the Comm

missioner to the Five Civilized Tribes, and that on February 7, 1907, he transmitted to the Department schedules of citizens of the Choctaw Nation by blood and by marriage, containing the names of persons who were favorably passed upon by him in his decision of August 13, 1906, in this case. It appears also that on February 26, 1907, the Commissioner, referring to Department letter of February 23, 1907, invited the Department's attention to the above-mentioned schedules, and to the Choctaw enrollment case of William E. Brown, et al., and recommended, in view of the opinion of the Attorney General dated February 19, 1907, in the Leola West and other cases, that his decision of August 13, 1906, be not approved, and that the schedules returned to be disapproved.

On March 1, 1907, the Department reversed the decision of the Commissioner so far as it was favorable to the applicants, and disapproved the schedules containing their names.

The Commissioner to the Five Civilized Tribes reports further that his office has no record of any favorable decision of the Department as to the persons included in this case.

It appears also that their names have never been placed upon any roll or schedule of citizens of the Choctaw Nation prepared by the Commissioner to the Five Civilized Tribes and approved by the Department.

L-21790-4

The Office concurs in the view of the Commissioner to the Five Civilized Tribes that as the record in the case is a complete one, the applicants could add nothing material thereto at this time, and to have them appear at his office to give further testimony would only make additional expense for them and work a hardship without any benefits accruing therefrom.

On April 9, 1909, the Office requested the Commissioner to the Five Civilized Tribes to take no steps pending the preparation of his report concerning the enrollment case of William B. Brown, et al toward the issuance of a patent to any adverse party in interest to the lands occupied by the applicants in the above mentioned case. The Commissioner was also requested to instruct the United States Indian Agent, at Union Agency, to suspend action, if any was contemplated, toward dispossessing the applicants of the lands occupied by them until further advised by the Department.

The Commissioner reports that no formal allotments were made to the persons included in the above case, but that applications were made in their behalf for certain lands which were involved in Chickasaw contest cases. The contests in behalf of these claimants were dismissed by the Commissioner to the Five Civilized Tribes, and on October 12, 1907, the Office held that the action of the Commissioner was proper, and recommended that he be advised that all applications for

allotments in behalf of these persons should be denied.

This recommendation was approved by the Department on October 14, 1907. It appears from the report of the Commissioner to the Five Civilized Tribes that the lands in contest were awarded to the contestees and patents therefor were recorded and delivered to them. Title having passed to the contestees, the Department is now without authority to place or permit the applicants in the William B. Brown case to remain in possession of the lands covered by the patents issued to the contestees, even in the event of the Department rendering a favorable decision relative to their enrollment.

The Commissioner reports that his office has no record of the applicants in the case mentioned holding or claiming possession of any other lands in the Choctaw or Chickasaw Nations, but says that if they are in occupancy of such other lands his office will, upon receipt of a description thereof, make a record of the claims pending further action by the Department.

The Office is of the opinion that the case of William B. Brown, et al., is not analogous to that of John M. Goldsby, and that it does not come within the principles announced by the Supreme Court of the United States in its decision of November 30, 1908, in that case (211 U. S. 249,)

L-31790-6

It is therefore recommended that the Department take no action looking to the enrollment of any of the applicants included in the consolidated case of William B. Brown, et al.

The record in the case, and other papers pertaining thereto, are transmitted herewith for your further information.

Very respectfully,

R. G. Valentine,

Acting Commissioner.

RMS 11
891
WCP June 15, 1909 JWH
Approved:

Frank Pierce,
First Assistant Secretary. DWC

Muskogee, Oklahoma, June 30, 1909.

Caswell H. Brown,
Robberson, Oklahoma.

Sir:

You are hereby notified that on June 15, 1909, the Secretary of the Interior held that the Choctaw enrollment case of William B. Brown et al., with which your case was consolidated, was not analogous to that of John M. Goldsby (211 U.S. 249), and declined to take any action looking to the enrollment of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in said Goldsby case.

Respectfully,

Commissioner.

WHB-HB.

Choc. Minor 922

Prebble Peck

M922

Aug 13, 1906 Granted.

March 1, 1907 Decision of Commissioner revised and schedule containing names of these applicants disapproved.

March 1, 1909 Dept. requests report.

Apr 22, 1909 Report to Dept.

Jun 15, 1909 Dept. holds case is not analagous to Goldsby case and declines to take action looking to enrollment of applicants.

Jun 29, 1909 Parties notified.

O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William B. Brown, et al., as citizens of the Choctaw Nation, consolidating the applications of

William B. Brown, et al.	7-5096,
William W. Brown, et al.	7-5060,
Eli W. Brown, et al.	7-D-432,
Caswell M. Brown, et al.	7-5066,
Andrew J. Peek, et al.	7-5062,
George G. Brown, et al.	7-5095,
James B. Nichols, et al.	7-5100,
John W. B. Nichols, et al.	7-5097,
Orin M. Nichols, et al.	7-5061,
Osa Nichols, et al.	7-D-509.

D E C I S I O N.

It appears from the census card records in this case that on September 22, 1898, application was made to the Commission to the Five Civilized Tribes for the enrollment of William B. Brown (sixty-one years of age), as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his two children, Nancy A. Brown, (twenty-three years of age) and Bettie Brown, now McCarty (nineteen years of age), as citizens by blood of the said nation; on September 22, 1898, for the enrollment of William W. Brown (thirty-nine years of age), and his seven minor children, Sarah Brown, now Johnston (eighteen years of age), Becky Brown (sixteen years of age), Mary Brown, now Johnston (thirteen years of age), Mamie (or Minnie) Brown, now Hudson (eleven years of age), Alice Brown (eight years of age), George Brown (five years of age) and Susie Brown (one year of age), as citizens by blood of the Choctaw Nation, and for the enrollment of Nancy Brown (thirty-six years of age) as a citizen by intermarriage of said nation; on September 5,

1899, for the enrollment of Eli W. Brown (twenty-eight years of age) as a citizen by intermarriage of the Choctaw Nation; on September 22, 1898, for the enrollment of Caswell M. Brown (thirty-four years of age), and his two minor children, Maudie (ten years of age) and Willie Brown (six years of age), as citizens by blood of the Choctaw Nation, and on October 18, 1898, for the enrollment of his wife, Amanda Brown (thirty-one years of age), as a citizen by intermarriage of said nation; on September 22, 1898, for the enrollment of Andrew J. Peck (thirty-two years of age) as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Polly A. Peel (thirty years of age), and his five minor children, Florence (nine years of age), Oscar (seven years of age), Benjamin G. (five years of age), Andrew (three years of age), and Otis Dewey Peck (two months of age), as citizens by blood of said nation; on September 22, 1898, for the enrollment of George G. Brown (twenty-six years of age), and his minor daughter, Willie Emma Brown (three years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Sarah Brown (twenty-one years of age), as a citizen by intermarriage of said nation; on September 22, 1898, for the enrollment of James M. Nichols (forty-eight years of age), and his two minor children, Della, May Nichols, now Scott (fourteen years of age), and Nancy W. Nichols (seven years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Nancy C. Nichols, (forty-two years of age), as a citizen by intermarriage of said nation; on September 22, 1898, for the enrollment of John W. B. Nichols (twenty-four years of age) as a citizen by blood of the Choctaw Nation, and for the enrollment of his wife, Bessie Nichols (eighteen years of age), as a citizen by intermarriage of

said nation; on September 22, 1898, for the enrollment of Orin L. Nichols (forty-four years of age), and his four minor children, James W. (eighteen years of age), Maggie M. (twelve years ofage), Nettie Myrtle (eight years of age), and Lonie A. Nichols (four years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Amanda L. Nichols (thirty-eight years of age), as a citizen by intermarriage of said nation; and on September 28, 1899, for the enrollment of Osa Nichols (seventeen years of age) as a citizen by intermarriage of the Choctaw Nation.

Applications were subsequently made for the enrollment of the following minor applicants as citizens by blood of the Choctaw Nation: On January 20, 1902, for the enrollment of Mary Ethel McCarty (born December 8, 1901); on May 31, 1906, for the enrollment of William A. McCarty (born April 21, 1904) and Ollie McCarty (born February 14, 1906); on October 14, 1900, for the enrollment of William Erman Johnston (born June 30, 1900); on October 19, 1900, for the enrollment of Minnie Gertrude Brown (born August 13, 1900); on May 16, 1901, for the enrollment of Fannie C. Brown (born February 11, 1901); on April 29, 1905, for the enrollment of Oscar Lee Johnston (born November 14, 1902); on April 29, 1905, for the enrollment of Willie Clarence Brown (born April 8, 1903); on July 22, 1902, for the enrollment of Henry Niten Brown, (born May 21, 1900); on April 29, 1905, for the enrollment of Roy Lester Johnston (born October 28, 1903); on May 21, 1906 for the enrollment of Edna Arvel Johnston (born March 21, 1905); on April 14, 1905, for the enrollment of Rubie Dill Brown (born February 12, 1904); in 1899, for the enrollment of Elbert Knightington Brown (born October 8, 1899); on April 7, 1906, for the enrollment of Annie JewellBrown (born December 2, 1902); on December 10, 1901, for the enrollment of Virgie Peek (born October 11, 1901); on April 8, 1905, for the enrollment of Pebble Peek (born February 19, 1904);

on May 21, 1906, for the enrollment of Cassie Brown (born May 30, 1900) and Goldie Brown (born September 5, 1904); on April 17, 1905, for the enrollment of Nema May Scott (born May 15, 1903) and Lita Scott (born February 1, 1906); on September 1, 1900, for the enrollment of Louie Herman Nichols (born August 19, 1900); on December 27, 1901, for the enrollment of Golda Ula Nichols (born September 15, 1901); on April 1, 1905, for the enrollment of Sylvie Jewel Nichols (born August 26, 1903); on April 14, 1905, for the enrollment of Cora Lee Nichols (born November 6, 1902); on April 6, 1901, for the enrollment of Daphne Myrtle Nichols (born February 20, 1901); and on May 21, 1906, for the enrollment of Teddy Golden Johnston (born June 15, 1905).

It appears from the records of the Commission to the Five Civilized Tribes that on September 9, 1896, in the case entitled "Nancy Cooper, et al. vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 1418), original application was made to said Commission, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321), for admission to citizenship in the Choctaw Nation of the applicants, Nancy A. Brown (as Nancy Alice Brown), Bettie McCarty (as Rebecca Elizabeth Brown), William N. Brown (as William Niten Brown), Sarah Johnston (as Sarah Elizabeth Brown), Becky Brown (as Rebecca Catherine Brown), Mary Brown (as Mary Arrillie Brown), Mamie (or Minnie) Hudson (as Minnie Ann Brown), Alice Brown, George Brown (as George Montgomery Brown), Caswell M. Brown, Maudie Brown (as Mandy E. Brown), Willie Brown (as William G. Brown), Polly A. Peck (as Polly Ann Peck), Florence Peck (as Minnie F. Peck), Oscar Peck (as Oscar E. Peck), Benjamin Peck (as Benjamin G. Peck), Andrew Peck, George G. Brown, Willie Emma Brown, James B. Nichols (as James Bruten Nichols), Della May Scott (as Mary Della May Nichols), Nancy V. (Mannie Velma Nichols),

John W. B. Nichols (as John William Bethuel Nichols), Orin M. Nichols (as Orrin Mayberry Nichols), James W. Nichols (as James Willis Nichols), Maggie M. Nichols (as Maggie May Nichols), Mettie Myrtle Nichols, Lonie A. Nichols (as Lena Alta Nichols), as citizens by blood of said nation, and for the admission of William B. Brown, Nancy J. Brown (as Nancy Jane Brown), Amanda Brown, Andrew J. Peck, (as A. J. Peck), Sarah Brown, Nancy C. Nichols (as Nancy Caroline Nichols), and Amanda M. Nichols (as Amanda Melvina Nichols), as citizens by intermarriage of said nation; and that on December 9, 1898, said Commission rendered its decision therein, denying the application of the above named applicants for enrollment as citizens of the Choctaw Nation.

From the decision of said Commission an appeal was taken to the United States Court for the Southern District of Indian Territory, which court on December 27, 1897, in the case entitled "Nancy J. Cooper, et al. vs. Choctaw Nation" (Southern District Citizenship Case No. 96), admitted Nancy A. Brown (as Nancy Alice Brown), Bettie McCarty (as Bettie Brown), Sarah Johnson (as Sarah Brown), Becky Brown, Mary Brown, Mamie (or Minnie) Hudson (as Mamie Brown), Alice Brown, George Brown, Susie Brown, Caswell M. Brown (as Caswell Marion Brown), Maudie Brown, Millie Brown, Polly A. Peck (as Polly Ann Peck), Florence Peck, Oscar Peck, Benjamin Peck (as Benjamin Grant Peck), Andrew Peck, George G. Brown, Willie Emma Brown, James B. Nichols (as James Bruton Nichols), Della May Scott (as Dell May Nichols), Nancy V. Nichols (as Nancy Velmer Nichols), Orin M. Nichols (as Orin Mayberry Nichols), James W. Nichols (as James Willis Nichols), Maggie M. Nichols (as Maggie May Nichols), Mettie Myrtle Nichols (as Myrtle Nichols), and Lonie A. Nichols (as Lonie Alta Nichols), as citizens by blood of the Choctaw Nation, and William B. Brown (as William Bluford Brown), Andrew J. Peck (as Andrew Jackson Peck), and Nancy C. Nichols (as

Nancy Caroline Nichols), as citizens by intermarriage of said nation, and denied the applications for the admission of Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, and Amanda M. Nichols (as Amanda Melvina Nichols), as citizens by intermarriage of the Choctaw Nation. The name of the applicant, Susie Brown, was interpolated in the judgment of said court, she not having been an applicant before the Commission to the Five Civilized Tribes in 1896.

On March 18, 1898, said case again came before said court upon a motion of the plaintiff's attorneys to correct the judgment of said court rendered December 20, 1897, and the court, thereupon, ordered said judgment corrected so as to admit the applicants, Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, Amanda M. Nichols (as Amanda Melvina Nichols), as citizens by intermarriage of the Choctaw Nation.

On September 28, 1898, said court rendered a supplemental judgment admitting Amanda Brown as a citizen by intermarriage of the Choctaw Nation.

On January 17, 1900, this cause came before said court upon a motion of the defendant to strike out of the judgment theretofore rendered, certain names improperly admitted to citizenship, and said court being fully advised, ordered that the following names, Susie Brown, Andrew J. Peek as (Andrew Jaakson Peek), Bettie McCarty (as Bettie Brown), and Becky Brown, be stricken from said former judgment.

Subsequently, upon the representation of the plaintiff's attorneys that certain persons who were original applicants were by oversight or mistake left out of the original judgment theretofore rendered, the court ordered that the applicants, Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, Amanda Brown, Amanda M. Nichols and Rebecca E. Brown be admitted to citizenship in the

Choctaw Nation.

It further appears from the records of said Commission that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgement of the United States Court for the Southern District of Indian Territory?

Thereafter, the record in the above case was certified to the Choctaw and Chickasaw Citizenship Court, for a trial de novo, which court, on November 29, 1904, in the case entitled, "William Neighton Brown, et al. vs. Choctaw and Chickasaw Nations" (Choctaw Chickasaw Citizenship Court Case No. 73, Tishomingo Docket), "ordered, adjudged and decreed that the petition of the plaintiffs, William Neighton Brown (or William Enighton Brown), Caswell Marion Brown, Polly Ann Peek (nee Brown), George E. Brown (or George G. Brown), Money Ellis Brown (or Money Alice Brown), Sarah Brown, Mary Brown, Nonie Brown (or Mamie Brown), Alice Brown, George Brown, Loncie Brown (or Maudie Brown), Willie Brown, Florence Peek, Oscar Peek, Benjamin Grant Peek, Andrew Peek, William Emma Brown, (or Willie Emma Brown),.....James Burton Nichols, (or James Bruton Nichols), Oney Mayberry Nichols (or Orin Mayberry Nichols), John William Boffie Nichols, Della Mae Nichols, Nancy Velmor Nichols, Lonie Alta Nichols,.....William Buford Brown, Nancy Caroline Nichols, Rebecca E. Brown (or Becky Brown), Rebecca E. Brown (or Rebecca Brown), Amanda Melvina Nichols, Amanda Brown, Nancy J. Brown (or Nancy Jane Brown), Sarah Brown,.....be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom."

On December 12, 1904, orders were entered of record by the Commission to the Five Civilized Tribes dismissing said applica-

tions for the enrollment of Mary E. McCarty, William Erman Johnston, Minnie Gertrude Brown, Henry Hiton Brown, Elbert Knighting-ton Brown, Otis Dewey Peck, Virgie Peck, Louie Herman Nichols and Golda Ula Nichols as citizens by blood of the Choctaw Nation, and on March 18, 1905, an order was entered of record dismissing the application for the enrollment of Fannie C. Brown as a citizen by blood of said nation. All of said applicants were dismissed for the reason that their parents through whom they claim their rights to enrollment as citizens by blood of the Choctaw Nation, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court/

On December 12, 1904, orders were entered of record by the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of Eli W. Brown, Bessie Nichols and Ona Nichols as citizens by intermarriage of the Choctaw Nation, for the reason that the persons through whom they claim their rights had also been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

On March 30, 1905, the Commission to the Five Civilized Tribes denied the application for the enrollment of Susie Brown as a citizen by blood of the Choctaw Nation, and on April 6, 1906 (I.T.D. 3410-1905), the Department set aside said decision of the Commission and returned the record to this office for a full investigation upon its merits.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes of January 2, 1906, there was filed on February 6, 1906, by Cruce, Cruce and Bleakmore, of Ardmore, Indian Territory, attorneys for the petitioners, petitions praying that William E. Brown, Nancy A. Brown, Minnie Hudson, Sarah Johnston, Oscar Lee Johnston, William Erman Johnston, Rebecca Brown, Minnie Gertrude Brown, Henry Hiton Brown, Rubie Dill

Brown, Eli W. Brown, Mary A. Johnston, Roy Lester Johnston, Emma A. Johnston, Rebecca McCarty, William A. McCarty, Mary E. McCarty, William F. Brown, Nancy Jane Brown, George Brown, Alice Brown, Susie Brown, Cletus Brown, Clarence Brown, A. J. Peck, Polly Ann Peck, Minnie Peck, Oscar Sherman Peck, Benjamin Grant Peck, Andrew Peck, O. D. Peck, Virgie Peck, Prubble Peck, C. M. Brown, Amanday Brown, Maudy Brown, William Brown, Albert W. Brown, Annie Jewel Brown, George G. Brown, Sarah Brown, Willie Emma Brown, Cassie Brown, Goldie Brown, J. B. Nichols, Nancy Nichols, Selma Nichols, John W. B. Nichols, Bessie Denton Nichols, Louie Herman Nichols, Golda Eula Nichols, Silva Jewel Nichols, Della May Scott, Nema Scott, Orin M. Nichols, Amanda Nichols, Myrtle Nichols, Lonie Nichols, James W. Nichols, Osa Nichols, Cora Lee Nichols, and Maggie Angel be enrolled as citizens of the Choctaw Nation.

All of the above petitioners, with the exception of Ollie McCarty, Lita Lois Scott, Daphne Myrtle Nichols and Teddy Golden Johnston, are identical with the applicants for whom application has been made for enrollment as citizens of the Choctaw Nation.

On April 16, 1906, the principal petitioners, their attorneys, Cruce, Cruce & Blakemore, of Ardmore, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, of South McAlester, Indian Territory, were advised that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday, May 14, 1906, at nine o'clock A. M., hear such testimony and receive such other evidence as might be submitted by the petitioners in support of their applications for enrollment as citizens of the Choctaw Nation, and by the attorneys for the

Choctaw and Chickasaw Nations.

On April 16, 1906, William N. Brown, father of Susie Brown, Cruce, Cruce & Bleakmore, attorneys for said Susie Brown, and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, were advised that on April 6, 1906, the Department set aside the decision rendered by the Commission on March 30, 1906, and returned the record in said case with instructions that a full investigation be made of the rights of said Susie Brown to enrollment as a citizen by blood of the Choctaw Nation; that the testimony of creditable witnesses be required showing her Choctaw blood, if any, the time and place of her birth, her various residences, her ancestors, the privileges, if any, enjoyed by her and her parents as citizens of the Choctaw Nation; and notified that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday, May 14, 1906, at nine o'clock A. M., hear such testimony and receive such other evidence as might be submitted in support of said application, investigation to be conducted along the lines indicated by Department letter above referred to.

On Motion of Attorney for applicants, the hearing in the matter of the above application was continued on April 26, 1906, to May 21, 1906.

On May 21, 1906, proceedings were had in the matter of said applications in pursuance to the notices above mentioned.

It appears from the record herein that the applicants, William N. Brown, Caswell M. Brown, Polly Ann Peck, George C. Brown, Nancy A. Brown, and Nettie McCarty, are the children of the principal applicant, William B. Brown, and Rebecca Cooper (now deceased), who is alleged to have been a Choctaw Indian, and the daughter of William Cooper, who was the son of Johnny

Cooper, an alleged Choctaw Indian, who resided near the line between the states of Tennessee and Mississippi; that Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie), Hudson, Alice Brown, George Brown, Susie Brown, Fannie C. Brown and Willie Clarence Brown, are the children of the applicants William M. Brown and Nancy J. Brown, (the latter an applicant for intermarried rights); that William Brown, Oscar Lee and Teddy Golden Johnston are the children of the applicant, Sarah Johnston, and J. A. Johnston, a non-citizen; that Minnie Gertrude, Henry Niten and Rubie Dill Brown are the children of the applicants, Becky Brown and Eli W. Brown, (the latter an applicant for intermarried rights); that Roy Lester and Edna Arvel Johnston are the children of the applicant, Mary Johnston, and Jace J. Johnston, a non-citizen; that Maudie, Willie, Elbert Knightington, and Annie Jewell Brown, are the children of the applicant, Caswell M. Brown and Amanda Brown (the latter an applicant for intermarried rights); that Florence, Oscar, Benjamin, Andrew, Otis Dewey Virgie and Prebble Peck are the children of the applicant, Polly Ann Peck and Andrew J. Peck (the latter an applicant for intermarried rights); that Willie Emma, Cascie and Goldie Brown are the children of the applicants, George C. Brown and Sarah Brown (the latter an applicant for intermarried rights); that Mary Ethel, William A. and Ollie McCarty are the children of the applicant Bettie McCarty and Oliver McCarty, a non-citizen; that James B. Nichols and Orin M. Nichols are the children of Wilson Nichols (now deceased), a non-citizen, and Delitha Cooper (now deceased), who is alleged to have been a Choctaw Indian and the daughter of John Cooper, above referred to; that John W. B. Nichols, Della May Scott and Nancy V. Nichols are the children of the applicant, James P. Nichols,

and Nancy C. Nichols (the latter an applicant for intermarried rights); that Louie Herman, Golda Ula and Sylvie Jewel Nichols are the children of the applicant, John W. B. Nichols and Bessie Nichols (the latter an applicant for intermarried rights); that Nema May and Lita Lois Scott are the children of the applicant, Della May Scott, and Burris Scott, a non-citizen; that James W., Maggie E., Mattie Myrtle and Lonie A. Nichols are the children of the applicant, Orin W. Nichols and Amanda E. Nichols (the latter an applicant for intermarried rights); and that the applicant, Cora Lee and Daphne Myrtle Nichols, are the children of the applicants, James W. Nichols and Osa Nichols (the latter an applicant for intermarried rights).

The applicant, William B. Brown, claims his right to citizenship in the Choctaw Nation by the virtue of his marriage on February 10, 1858, under the laws of the state of Arkansas, to Becky Cooper (now deceased); that Nancy Brown claims her right to enrollment as a citizen by intermarriage by virtue of her marriage to the applicant, William B. Brown, on September 21, 1879; that Eli W. Brown claims his right to enrollment as a citizen by intermarriage by virtue of his marriage on August 21, 1898, under the laws, customs and usages of the Chickasaw Nation to the applicant, Becky Brown, both of said applicants being at said time residents in good faith of the Chickasaw Nation; that Amanda Brown claims her right to enrollment as a citizen by intermarriage by virtue of her marriage on December 2, 1886, to the applicant, Caswell M. Brown; that Andrew J. Peck claims his right to enrollment as a citizen by intermarriage by virtue of his marriage on December 15, 1887, under the laws of the state of Arkansas to the applicant, Polly A. Peck; that Sarah Brown claims her right to enrollment as a citizen by intermarriage by virtue of her mar-

riage to George C. Brown on June 9, 1895; that the applicant, Nancy C. Nichols, claims her right to enrollment as a citizen by intermarriage by virtue of her marriage to the applicant, James B. Nichols, on March 9, 1873; that the applicant, Bessie Nichols, claims her right to enrollmentas a citizen by intermarriage by virtue of her marriage on September 11, 1898, to the applicant, John W. B. Nichols; that Amanda M. Nichols claims her right to enrollment as a citizen by intermarriage by virtue of her marriage on October 20, 1878, to the applicant, Orin M. Nichols; and that Osa Nichols claims her right to enrollment as a citizen by intermarriage by virtue of her marriage on April 27, 1899, to the applicant, James W. Nichols.

It does not appear from the record herein or from the records in the possession of this office that the applicant, Andrew J. Peck, has ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, nor has said applicant ever been married to Polly Ann Peck, through whom he claims his intermarried rights, by virtue of a license issued by the tribal authorities of either the Choctaw or Chickasaw Nation.

At the hearing before the Commissioner to the Five Civilized Tribes on May 21, 1906, William W. Brown, Caswell M. Brown, James B. Nichols, and Orin M. Nichols testified that in 1894 they, together with the other applicants herein who were living at said time, petitioned the Choctaw Council for admission as citizens of the Choctaw Nation; that no action having been taken thereon, they,

in 1896, appeared before the Choctaw Census Commission and made application to be enrolled upon the 1896 Choctaw Census Roll; and that some time in January, 1897, they received a certificate from the Secretary of the Choctaw Revisory Board, wherein it appeared that they had been enrolled upon the 1896 Choctaw Census Roll. Said applicants further testified that prior to 1896 they had been permitted to issue permits for their tenants, held lands, and were not subject to any tribal tax which was due from all non-citizens who were engaged in the mercantile business.

On June 4, 1906, John H. Gamblin testified that he was acquainted with the applicants herein, and that in October, 1894, he having business before the Choctaw Council, presented on behalf of the applicants herein who were living at that time, a petition praying that they be admitted as citizens of the Choctaw Nation, and that he does not know what action, if any, was ever taken thereon.

Upon an examination of the tribal rolls of the Choctaw Nation in the possession of this office, it appears that the applicants, William B. Brown, William M. Brown, Nancy J. Brown, Caswell M. Brown, Amanda Brown, Polly Ann Peck, Andrew J. Peck, George G. Brown, Sarah Brown, Nancy A. Brown, Bettie McCarty, Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie) Hudson, Alice Brown, George Brown, Susie Brown, Maudie Brown, Willie Brown, Florence Peck, Oscar Peck, Benjamin Peck, Andrew Peck, James B. Nichols, Nancy C. Nichols, Orin M. Nichols, Amanda M. Nichols, John W. B. Nichols, Della May Scott, Nancy V. Nichols, James W. Nichols, Maggie M. Nichols, Mettie Myrtle Nichols and Lonie A. Nichols, are identified upon the 1896 Choctaw Census Roll opposite numbers 1688, 1691, 1692, 1701, 1702, 10518, 10617, 1705, 1706, 1689, 1690, 1693, 1694, 1695, 1696, 1697, 1698, 1699,

1703, 1704, 10519, 10520, 10521, 10522, 9808, 9808, 9812, 9813, 9809, 9810, 9811, 9814, 9815, 9816, and 9817, respectively.

It further appears from the record herein that all of the applicants that were living on June 28, 1898, were residents in good faith of the Indian Territory on said date.

The evidence in this case further shows that the applicant, Daphne Myrtle Nichols, died on June 27, 1901.

I am of the opinion that in accordance with the opinions of the Assistant Attorney General for the Department of the Interior of February 10, 1905 (I.T. D. 10353-1904) and December 8, 1905 (I.T.D. 3693-1905), in the case of Lula West, the action of the Commission to the Five Civilized Tribes, and the subsequent action of the United States Court for the Southern District of Indian Territory, and the Choctaw and Chickasaw Citizenship Court upon the right of the applicants who applied to the Commission to the Five Civilized Tribes in 1896, with the exception of Andrew J. Peek, was without authority of law, and of no force and effect upon the status of said applicants as citizens of the Choctaw Nation.

I am further of the opinion that the orders of the Commission to the Five Civilized Tribes of December 12, 1904 and March 18, 1905, dismissing the applications for the enrollment of Mary E. McCarty, William Erman Johnston, Minnie Gertrude Brown, Fannie C. Brown, Henry Niten Brown, Elbert Knightington Brown, Otis Dewey Peek, Virgie Peek, Louis Herman Nichols and Celda Ula Nichols as citizens by blood of the Choctaw Nation, and Eli W. Brown, Bessie Nichols and Osa Nichols as citizens by intermarriage of the Choctaw Nation, should be rescinded.

I am further of the opinion that in accordance with the

opinions of the Assistant Attorney General for the Department of the Interior of March 3, 1905 (I.T.D. 187-1905) and March 10, 1906 (I.T.D. 9969-1905), Nancy A. Brown, Bettie McCarty, Mary Ethel McCarty, William M. Brown, Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie) Hudson, Alice Brown, George Brown, Susie Brown, William Erman Johnston, Minnie Gertrude Brown, Henry Niten Brown, Fannie C. Brown, Caswell M. Brown, Maudie Brown, Willie Brown, Elbert Knightington Brown, Polly A. Peck, Florence Peck, Oscar Peck, Benjamin Peck, Andrew Peck, Otis Lewey Peck, Virgie Peck, George G. Brown, Willie Emma Brown, James M. Nichols, Della May Scott, Nancy V. Nichols, John W. B. Nichols, Louie Herman Nichols, Golda Ola Nichols, Orin M. Nichols, James W. Nichols, Maggie M. Nichols, Mettie Myrtle Nichols and Lonie A. Nichols should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that William B. Brown, Nancy Brown, Eli W. Brown, Amanda Brown, Sarah Brown, Nancy C. Nichols, Bessie Nichols, Amanda M. Nichols, and Osa Nichols should be enrolled as citizens by intermarriage of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the application made for the enrollment of Andrew J. Peck as a citizen by intermarriage of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

I am further of the opinion that William A. McCarty, Ollie McCarty, Oscar Lee Johnston, Willie Clarence Brown, Roy Lester Johnston, Edna Arvel Johnston, Teddy Golden Johnston, Rubie Dill Brown, Annie Jewell Brown, Prebble Peck, Cassie Brown, Goldie Brown, Nona May Scott, Lita Lois Scott, Sylvie Jewel Nichols and Cora Lee Nichols should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (Public No. 129), and it is so ordered.

I am further of the opinion that the application made for the enrollment of Daphne Myrtle Nichols as a citizen by blood of the Choctaw Nation should be dismissed, and it is so ordered.

Tams Bixby,

Muskogee, Indian Territory,

Aug. 13, 1906.

COMMISSIONER.

1-12903

Land
31790-1909.
J.E.D.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
Washington.

Jun. 25, 1909

Enrollment case of
Wm. B. Brown et al.

The Commissioner

to the Five Civilized Tribes,

Muskogee, Oklahoma.

Sir:

Referring to your report of April 20, 1909, relative to the consolidated Choctaw enrollment case of William B. Brown et al., you are advised, that on June 15, 1909, the Department held that the case mentioned was no analogous to that of John K. Goldsby, and did not come within the principles announced by the Supreme Court of the United States in that case, (211 U. S. 249).

The Department, therefore, declined to take any action looking to the enrollment of any of the applicants in the consolidated case of William B. Brown et al.

A copy of approved Office letter of May 17, 1909, is inclosed for your further information.

You are requested to notify the parties in interest.

Very respectfully,

J. H. Bartch,
Acting Chief Clerk.

MPM-19
2838

D-7339

Land
31790-1909
J E D

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS,
Washington.

C.R.
J.W.
J.F.Jr.
W.R.L.

Enrollment case of
William B. Brown et al.

May 17, 1909.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of March 1, 1909, there is transmitted herewith a report dated April 20, 1909, from the Commissioner to the Five Civilized Tribes, relative to the enrollment case of William B. Brown et al. The history of the claim is set out fully in the reports enclosed.

The record shows, among other things, that on August 13, 1906, the Commissioner to the Five Civilized Tribes rendered a decision that Nancy A. Brown, Nettie McCarty, Mary Ethel McCarty, William H. Brown, Sarah Johnston, Becky Brown, Mary Johnston, Nannie (or Winnie) Hudson, Alice Brown, George Brown, Susie Brown, William Ermer Johnston, Minnie Gertrude Brown, Henry Niten Brown, Fannie C. Brown, Caswell H. Brown, Maudie Brown, Willie Brown, Albert Knightington Brown, Polly A. Peek, Florence Peek, Oscar Peek, Benjamin Peek, Andrew Peek, Otis Dewey Peek, Viggie Peek, George C. Brown, Willie Anna Brown, James B. Nichols, Della May Scott, Nancy V. Nichols, John W. B. Nichols, Louie Norman Nichols, Golda Ula Nichols, Orin M. Nichols, James W. Nichols, Maggie M. Nichols, Nettie Myrtle Nichols and Lonie A. Nichols should be enrolled as citizens by blood and William B. Brown, Nancy Brown, Eli W. Brown,

Amanda Brown, Sarah Brown, Nancy C. Nichols, Bessie Nichols, Amanda M. Nichols and Ora Nichols as citizens by intermarriage of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stat. L. 495) and July 1, 1902 (32 Stat., L. 641).

The applications for the enrollment of William A. McCarty, Ollie McCarty, Oscar Lee Johnston, Willie Clarence Brown, Roy Lester Johnston, Edna Arvel Johnston, Teddy Golden Johnston, Rubie Dill Brown, Annie Jewell Brown, Prebble Peck, Cassie Brown, Goldie Brown, Noma May Scott, Lita Lois Scott, Sylvie Jewel Nichols and Cora Lee Nichols were also granted under the provisions of the Act of Congress approved April 26, 1906 (34 Stat. L. 137).

The application for the enrollment of Andrew J. Peck as a citizen by intermarriage was denied and the application for the enrollment of Daphne Myrtle Nichols as a citizen by blood of the Choctaw Nation was dismissed.

It appears that on August 14, 1906, the record in the case, together with the decision, was forwarded by the Commissioner to the Five Civilized Tribes, and that on February 7, 1907, he transmitted to the Department schedules of citizens of the Choctaw Nation by blood and by marriages, containing the names of persons who were favorably passed upon by him in his decision of August 13, 1906, in this case. It appears also that on February 26, 1907, the Commissioner, referring to Department letter of February 23, 1907, invited

the Department's attention to the above-mentioned schedules, and to the Choctaw enrollment case of William B. Brown, et al, and recommended, in view of the opinion of the Attorney General dated February 19, 1907, in the Leula West and other cases, that his decision of August 13, 1906, be not approved, and that the schedules referred to be disapproved.

On March 1, 1907, the Department reversed the decision of the Commissioner so far as it was favorable to the applicants, and disapproved the schedules containing their names.

The Commissioner to the Five Civilized Tribes reports further that his office has no record of any favorable decision of the Department as to the persons included in this case.

It appears also that their names have never been placed upon any roll or schedule of citizens of the Choctaw Nation prepared by the Commissioner to the Five Civilized Tribes and approved by the Department.

The Office concurs in the view of the Commissioner to the Five Civilized Tribes that as the record in the case is a complete one, the applicants could add nothing material thereto at this time, and to have them appear at his office to give further testimony would only make additional expense for them and work a hardship without any benefits accruing therefrom.

On April 9, 1909, the Office requested the Commissioner to the Five Civilized Tribes to take no steps pending the preparation of his report concerning the enrollment case of William B. Brown, et al toward the issuance of a patent to any adverse party in interest to the lands occupied by the applicants in the above mentioned case. The Commissioner was also

requested to instruct the United States Indian Agent, at Union Agency, to suspend action, if any was contemplated, toward dispossessing the applicants of the lands occupied by them until further advised by the Department.

The Commissioner reports that no formal allotments were made to the persons included in the above case, but that applications were made in their behalf for certain lands which were involved in Chickasaw contest cases. The contests in behalf of these claimants were dismissed by the Commissioner to the Five Civilized Tribes, and on October 12, 1907, the Office held that the action of the Commissioner was proper, and recommended that he be advised that all applications for allotments in behalf of these persons should be denied.

This recommendation was approved by the Department on October 14, 1907. It appears from the report of the Commissioner to the Five Civilized Tribes that the lands in contest were awarded to the contestees and patents therefor were recorded and delivered to them. Title having passed to the contestees, the Department is now without authority to place or permit the applicants in the William B. Brown case to remain in possession of the lands covered by the patents issued to the contestees, even in the event of the Department rendering a favorable decision relative to their enrollment.

The Commissioner reports that his office has no record of the applicants in the case mentioned holding or claiming possession of any other lands in the Choctaw or Chickasaw

Nations, but says that if they are in occupancy of such other lands his office will, upon receipt of a description thereof, make a record of the claims pending further action by the Department.

The Office is of the opinion that the case of William E. Brown, et al., is not analogous to that of John R. Goldsby, and that it does not come within the principles announced by the Supreme Court of the United States in its decision of November 30, 1908, in that case (211 U. S. 249).

It is therefore recommended that the Department take no action looking to the enrollment of any of the applicants included in the consolidated case of William E. Brown et al.

The record in the case, and other papers pertaining thereto, are transmitted herewith for your further information.

Very respectfully,

E. G. Valentine,

Acting Commissioner.

KRS 11
891
WCP June 15, 1909 JWK
Approved:

Frank Pierce,

First Assistant Secretary. DWC.

Muskogee, Oklahoma, June 29, 1909.

Mr. Andrew J. Peck,

Duncan, Oklahoma.

Sir:

You are hereby notified that on June 15, 1909, the Secretary of the Interior held that the Choctaw enrollment case of William B. Brown et al., with which your case was consolidated, was not analogous to that of John E. Goldsby (211 U. S. 249) and declined to take any action looking to the enrollment of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in said Goldsby case.

Respectfully,

Commissioner.

WHA-KB.

Choc. Minor 923

Cassie Brown
Goldie Brown.

M923

Aug. 13, 1906 Granted.
March 1, 1907 Decision of Commissioner revised and schedule containing names of these applicants disapproved.
March 1, 1909 Dept. requests report.
Apr 20, 1909 Report to Dept.
Jun 15, 1909 Dept. holds case is not analogous to Goldsby case and declines to take action looking to enrollment of applicants.
Jun 29, 1909 Parties notified.

O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William B. Brown, et al., as citizens of the Choctaw Nation, consolidating the applications of

William B. Brown, et al.	7-5096,
William N. Brown, et al.	7-5060,
Eli W. Brown, et al.	7-D-432,
Caswell M. Brown, et al.	7-5066,
Andrew J. Peck, et al.	7-5062,
George G. Brown, et al.	7-5095,
James B. Nichols, et al.	7-5100,
John W. B. Nichols, et al.	7-5097,
Orin M. Nichols, et al.	7-5061,
Osa Nichols, et al.	7-D-509.

D E C I S I O N.

It appears from the census card records in this case that on September 22, 1898, application was made to the Commission to the Five Civilized Tribes for the enrollment of William B. Brown (sixty-one years of age), as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his two children, Nancy A. Brown, (twenty-three years of age) and Bettie Brown, now McCarty (nineteen years of age), as citizens by blood of the said nation; on September 22, 1898, for the enrollment of William N. Brown (thirty-nine years of age), and his seven minor children, Sarah Brown, now Johnston (eighteen years of age), Becky Brown (sixteen years of age), Mary Brown, now Johnston (thirteen years of age), Mamie (or Minnie) Brown, now Hudson (eleven years of age), Alice Brown (eight years of age), George Brown (five years of age) and Susie Brown (one year of age), as citizens by blood of the Choctaw Nation, and for the enrollment of Nancy Brown (thirty-six years of age) as a citizen by intermarriage of said nation; on September 5,

1899, for the enrollment of Eli W. Brown (twenty-eight years of age) as a citizen by intermarriage of the Choctaw Nation; on September 22, 1898, for the enrollment of Caswell M. Brown (thirty-four years of age), and his two minor children, Maudie (ten years of age) and Willie Brown (six years of age), as citizens by blood of the Choctaw Nation, and on October 18, 1898, for the enrollment of his wife, Amanda Brown (thirty-one years of age), as a citizen by intermarriage of said nation; on September 22, 1898, for the enrollment of Andrew J. Peck (thirty-two years of age) as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Polly A. Pecl (thirty years of age), and his five minor children, Florence (nine years of age), Oscar (seven years of age), Benjamin G. (five years of age), Andrew (three years of age), and Otis Dewey Peck (two months of age), as citizens by blood of said nation; on September 22, 1898, for the enrollment of George G. Brown (twenty-six years of age), and his minor daughter, Willie Emma Brown (three years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Sarah Brown (twenty-one years of age), as a citizen by intermarriage of said nation; on September 22, 1898, for the enrollment of James B. Nichols (forty-eight years of age), and his two minor children, Della, May Nichols, now Scott (fourteen years of age), and Nancy V. Nichols (seven years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Nancy C. Nichols, (forty-two years of age), as a citizen by intermarriage of said nation; on September 22, 1898, for the enrollment of John W. B. Nichols (twenty-four years of age) as a citizen by blood of the Choctaw Nation, and for the enrollment of his wife, Bessie Nichols (eighteen years of age), as a citizen by intermarriage of

said nation; on September 22, 1898, for the enrollment of Orin M. Nichols (forty-four years of age), and his four minor children, James W. (eighteen years of age), Maggie M. (twelve years ofage), Mettie Myrtle (eight years of age), and Lonie A. Nichols (four years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Amanda M. Nichols (thirty-eight years of age), as a citizen by intermarriage of said nation; and on September 25, 1899, for the enrollment of Osa Nichols (seventeen years of age) as a citizen by intermarriage of the Choctaw Nation.

Applications were subsequently made for the enrollment of the following minor applicants as citizens by blood of the Choctaw Nation: On January 20, 1902, for the enrollment of Mary Ethel McCarty (born December 8, 1901); on May 31, 1906, for the enrollment of William A. McCarty (born April 21, 1904) and Ollie McCarty (born February 14, 1906); on October 13, 1900, for the enrollment of William Erman Johnston (born June 30, 1900); on October 19, 1900, for the enrollment of Minnir Gertrude Brown (born August 13, 1900); on May 16, 1901, for the enrollment of Fannie C. Brown (born February 11, 1901); on April 29, 1905, for the enrollment of Oscar Lee Johnston (born November 14, 1902); on April 29, 1905, for the enrollment of Willie Clarence Brown (born April 8, 1903); on July 12, 1902, for the enrollment of Henry Niten Brown, (born May 21, 1902); on April 29, 1905, for the enrollment of Roy Lester Johnston (born October 28, 1903); on May 21, 1906 for the enrollment of Edna Arvel Johnston (born March 21, 1905); on April 14, 1905, for the enrollment of Rubie Dill Brown (born February 12, 1904); in 1899, for the enrollment of Elbert Knightington Brown (born October 8, 1899); on April 7, 1905, for the enrollment of Annie JewellBrown (born December 2, 1902); on December 10, 1901, for the enrollment of Virgie Peck (born October 11, 1901); on April 8, 1905, for the enrollment of Prebble Peck (born February 19, 1904);

on May 21, 1906, for the enrollment of Cassie Brown (born May 30, 1900) and Goldie Brown (born September 5, 1904); on April 17, 1905, for the enrollment of Nema May Scott (born May 15, 1903) and Lita Scott (born February 1, 1906); on September 1, 1900, for the enrollment of Louie Herman Nichols (born August 19, 1900); on December 27, 1901, for the enrollment of Golda Ula Nichols (born September 15, 1901); on April 1, 1905, for the enrollment of Sylvie Jewel Nichols (born August 26, 1903); on April 14, 1905, for the enrollment of Cora Lee Nichols (born November 6, 1902); on April 6, 1901, for the enrollment of Daphne Myrtle Nichols (born February 20, 1901); and on May 21, 1906, for the enrollment of Teddy Golden Johnston (born June 15, 1905).

It appears from the records of the Commission to the Five Civilized Tribes that on September 9, 1896, in the case entitled "Nancy Cooper, et al. vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 1418), original application was made to said Commission, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321), for admission to citizenship in the Choctaw Nation of the applicants, Nancy A. Brown (as Nancy Alice Brown), Bettie McCarty (as Rebecca Elizabeth Brown), William N. Brown (as William Niten Brown), Sarah Johnston (as Sarah Elizabeth Brown), Becky Brown (as Rebecca Catherine Brown), Mary Brown (as Mary Arrillie Brown), Mamie (or Minnir) Hudson (as Minnie Ann Brown), Alice Brown, George Brown (as George Montgomery Brown), Caswell M. Brown, Maudie Brown (as Mandy E. Brown), Willie Brown (as William G. Brown), Polly A. Peck (as Polly Ann Peck), Florence Peck (as Minnie F. Peck), Oscar Peck (as Oscar S. Peck), Benjamin Peck (as Benjamin G. Peck), Andrew Peck, George G. Brown, Willie Emma Brown, James B. Nichols (as James Bruten Nichols), Della May Scott (as Mary Della May Nichols), Nancy V. (Nannie Velma Nichols),

John W. B. Nichols (as John William Bethuel Nichols), Orin M. Nichols (as Orrin Maybery Nichols), James W. Nichols (as James Willis Nichols), Maggie M. Nichols (as Maggie May Nichols), Mettie Myrtle Nichols, Lonie A. Nichols (as Lena Alta Nichols), as citizens by blood of said nation, and for the admission of William B. Brown, Nancy J. Brown (as Nancy Jane Brown), Amanda Brown, Andrew J. Peck, (as A. J. Peck), Sarah Brown, Nancy C. Nichols (as Nancy Caroline Nichols), and Amanda M. Nichols (as Amanda Melvina Nichols), as citizens by intermarriage of said nation; and that on December 8, 1898, said Commission rendered its decision therein, denying the application of the above named applicants for enrollment as citizens of the Choctaw Nation.

From the decision of said Commission an appeal was taken to the United States Court for the Southern District of Indian Territory, which court on December 27, 1897, in the case entitled "Nancy J. Cooper, et al. vs. Choctaw Nation" (Southern District Citizenship Case No. 96), admitted Nancy A. Brown (as Nancy Alice Brown), Bettie McCarty (as Bettie Brown), Sarah Johnson (as Sarah Brown), Becky Brown, Mary Brown, Mamie (or Minnie) Hudson (as Mamie Brown), Alice Brown, George Brown, Susie Brown, Caswell M. Brown (as Caswell Marion Brown), Maudie Brown, Willie Brown, Polly A. Peck (as Polly Ann Peck), Florence Peck, Oscar Peck, Benjamin Peck (as Benjamin Grant Peck), Andrew Peck, George G. Brown, Willie Emma Brown, James B. Nichols (as James Bruton Nichols), Della May Scott (as Dell May Nichols), Nancy V. Nichols (as Nancy Velmor Nichols), Orin M. Nichols (as Orin Mayberry Nichols), James W. Nichols (as James Willis Nichols), Maggie M. Nichols (as Maggie May Nichols), Mettie Myrtle Nichols (as Myrtle Nichols), and Lonie A. Nichols (as Lonie Alta Nichols), as citizens by blood of the Choctaw Nation, and William B. Brown (as William Bluford Brown), Andrew J. Peck (as Andrew Jackson Peck), and Nancy C. Nichols (as

Nancy Caroline Nichols), as citizens by intermarriage of said nation, and denied the applications for the admission of Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, and Amanda M. Nichols (as Amanda Melvina Nichols), as citizens by intermarriage of the Choctaw Nation. The name of the applicant, Susie Brown, was interpolated in the judgment of said court, she not having been an applicant before the Commission to the Five Civilized Tribes in 1896.

On March 18, 1898, said case again came before said court upon a motion of the plaintiff's attorneys to correct the judgment of said court rendered December 20, 1897, and the court, thereupon, ordered said judgment corrected so as to admit the applicants, Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, Amanda M. Nichols (as Amanda Melvina Nichols), as citizens by intermarriage of the Choctaw Nation.

On September 28, 1898, said court rendered a supplemental judgment admitting Amanda Brown as a citizen by intermarriage of the Choctaw Nation.

On January 17, 1900, this cause came before said court upon a motion of the defendant to strike out of the judgment theretofore rendered, certain names improperly admitted to citizenship, and said court being fully advised, ordered that the following names, Susie Brown, Andrew J. Peck as (Andrew Jackson Peck), Bettie McCarty (as Bettie Brown), and Becky Brown, be stricken from said former judgment.

Subsequently, upon the representation of the plaintiff's attorneys that certain persons who were original applicants were by oversight or mistake left out of the original judgment theretofore rendered, the court ordered that the applicants, Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, Amanda Brown, Amanda M. Nichols and Rebecca E. Brown be admitted to citizenship in the

Choctaw Nation.

It further appears from the records of said Commission that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgement of the United States Court for the Southern District of Indian Territory?

Thereafter, the record in the above case was certified to the Choctaw and Chickasaw Citizenship Court, for a trial de novo, which court, on November 29, 1904, in the case entitled, "William Neighton Brown, et al. vs. Choctaw and Chickasaw Nations" (Choctaw Chickasaw Citizenship Court Case No. 73, Tishomingo Docket), "ordered, adjudged and decreed that the petition of the plaintiffs, William Neighton Brown (or William Knighton Brown), Caswell Marion Brown, Polly Ann Peck (nee Brown), George R. Brown (or George G. Brown), Noney Ellis Brown (or Noney Alice Brown), Sarah Brown, Mary Brown, Monie Brown (or Mamie Brown), Alice Brown, George Brown, Mondie Brown (or Maudie Brown), Willie Brown, Florence Peck, Oscar Peck, Benjamin Grant Peck, Andrew Peck, William Emma Brown, (or Willie Emma Brown),.....James Burton Nichols, (or James Bruton Nichols), Oney Mayberry Nichols (or Orin Mayberry Nichols), John William Beffie Nichols, Della May Nichols, Nancy Velmor Nichols, Lonie Alta Nichols,.....William Buford Brown, Nancy Caroline Nichols, Rebecca E. Brown (or Becky Brown), Rebecca C. Brown (or Rebecca Brown), Amanda Melvina Nichols, Amanda Brown, Nancy J. Brown (or Nancy Jane Brown), Sarah Brown,.....be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom."

On December 12, 1904, orders were entered of record by the Commission to the Five Civilized Tribes dismissing the applica-

tions for the enrollment of Mary E. McCarty, William Erman Johnston, Minnie Gertrude Brown, Henry Niten Brown, Elbert Knightington Brown, Otis Dewey Peck, Virgie Peck, Louie Herman Nichols and Golda Ula Nichols as citizens by blood of the Choctaw Nation, and on March 18, 1905, an order was entered of record dismissing the application for the enrollment of Fannie C. Brown as a citizen by blood of said nation. All of said applicants were dismissed for the reason that their parents through whom they claim their rights to enrollment as citizens by blood of the Choctaw Nation, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court/

On December 12, 1904, orders were entered of record by the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of Eli W. Brown, Bessie Nichols and Osa Nichols as citizens by intermarriage of the Choctaw Nation, for the reason that the persons through whom they claim their rights had also been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

On March 30, 1905, the Commission to the Five Civilized Tribes denied the application for the enrollment of Susie Brown as a citizen by blood of the Choctaw Nation, and on April 6, 1906 (I.T.D. 3810-1905), the Department set aside said decision of the Commission and returned the record to this office for a full investigation upon its merits.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes of January 2, 1906, there was filed on February 6, 1906, by Cruce, Cruce and Bleakmore, of Ardmore, Indian Territory, attorneys for the petitioners, petitions praying that William B. Brown, Nancy A. Brown, Minnie Hudson, Sarah Johnston, Oscar Lee Johnston, William Erman Johnston, Rebecca Brown, Minnie Gertrude Brown, Henry Niten Brown, Rubie Dill

Brown, Eli W. Brown, Mary A. Johnston, Roy Lester Johnston, Edna A. Johnston, Rebecca McCarty, William A. McCarty, Mary E. McCarty, William N. Brown, Nancy Jane Brown, George Brown, Alice Brown, Susie Brown, Cletus Brown, Clarence Brown, A. J. Peck, Polly Ann Peck, Minnie Peck, Oscar Sherman Peck, Benjamin Grant Peck, Andrew Peck, O. D. Peck, Virgie Peck, Prebble Peck, C. M. Brown, Amanday Brown, Maudy Brown, William Brown, Elbert K. Brown, Annie Jewel Brown, George G. Brown, Sarah Brown, Willie Emma Brown, Cassie Brown, Goldie Brown, J. B. Nichols, Nancy Nichols, Belma Nichols, John W. B. Nichols, Bessie Deaton Nichols, Louie Herman Nichols, Golda Eula Nichols, Silva Jewel Nichols, Della May Scott, Nema Scott, Orin M. Nichols, Amanda Nichols, Myrtle Nichols, Lonie Nichols, James W. Nichols, Osa Nichols, Cora Lee Nichols, and Maggie Angel be enrolled as citizens of the Choctaw Nation.

All of the above petitioners, with the exception of Ollie McCarty, Lita Lois Scott, Daphne Myrtle Nichols and Teddy Golden Johnston, are identical with the applicants for whom application has been made for enrollment as citizens of the Choctaw Nation.

On April 16, 1906, the principal petitioners, their attorneys, Cruce, Cruce & Bleakmore, of Ardmore, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, of South McAlester, Indian Territory, were advised that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday, May 14, 1906, at nine o'clock A. M., hear such testimony and receive such other evidence as might be submitted by the petitioners in support of their applications for enrollment as citizens of the Choctaw Nation, and by the attorneys for the

Choctaw and Chickasaw Nations.

On April 16, 1906, William M. Brown, father of Susie Brown, Cruce, Cruce & Bleakmore, attorneys for said Susie Brown, and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, were advised that on April 6, 1906, the Department set aside the decision rendered by the Commission on March 30, 1905, and returned the record in said case with instructions that a full investigation be made of the rights of said Susie Brown to enrollment as a citizen by blood of the Choctaw Nation; that the testimony of creditable witnesses be required showing her Choctaw blood, if any, the time and place of her birth, her various residences, her ancestors, the privileges, if any, enjoyed by her and her parents as citizens of the Choctaw Nation; and notified that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday, May 14, 1906, at nine o'clock A. M., hear such testimony and receive such other evidence as might be submitted in support of said application, investigation to be conducted along the lines indicated by Department letter above referred to.

On Motion of Attorney for applicants, the hearing in the matter of the above application was continued on April 26, 1906, to May 21, 1906.

On May 21, 1906, proceedings were had in the matter of said applications in pursuance to the notices above mentioned.

It appears from the record herein that the applicants, William M. Brown, Caswell M. Brown, Polly Ann Peck, George G. Brown, Nancy A. Brown, and Bettie McCarty, are the children of the principal applicant, William B. Brown, and Rebecca Cooper (now deceased), who is alleged to have been a Choctaw Indian, and the daughter of William Cooper, who was the son of Johnny

Cooper, an alleged Choctaw Indian, who resided near the line between the states of Tennessee and Mississippi; that Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie), Hudson, Alice Brown, George Brown, Susie Brown, Fannie C. Brown and Willie Clarence Brown, are the children of the applicants William N. Brown and Nancy J. Brown, (the latter an applicant for intermarried rights); that William Erman, Oscar Lee and Teddy Golden Johnston are the children of the applicant, Sarah Johnston, and J. A. Johnston, a non-citizen; that Minnie Gertrude, Henry Niten and Rubie Dill Brown are the children of the applicants, Becky Brown and Eli W. Brown, (the latter an applicant for intermarried rights); that Roy Lester and Edna Arvel Johnston are the children of the applicant, Mary Johnston, and Jace J. Johnston, a non-citizen; that Maudie, Willie, Elbert Knightington, and Annie Jewell Brown, are the children of the applicant, Caswell M. Brown and Amanda Brown (the latter an applicant for intermarried rights); that Florence, Oscar, Benjamin, Andrew, Otis Dewey Virgie and Prebble Peck are the children of the applicant, Polly Ann Peck and Andrew J. Peck (the latter an applicant for intermarried rights); that Willie Emma, Cassie and Goldie Brown are the children of the applicants, George G. Brown and Sarah Brown (the latter an applicant for intermarried rights); that Mary Ethel, William A. and Ollie McCarty are the children of the applicant Bettie McCarty and Oliver McCarty, a non-citizen; that James B. Nichols and Orin M. Nichols are the children of Wilson Nichols (now deceased), a non-citizen, and Delitha Cooper (now deceased), who is alleged to have been a Choctaw Indian and the daughter of John Cooper, above referred to; that John W. B. Nichols, Della May Scott and Nancy V. Nichols are the children of the applicant, James B. Nichols,

and Nancy C. Nichols (the latter an applicant for intermarried rights); that Louie Herman, Golda Ula and Sylvie Jewel Nichols are the children of the applicant, John W. B. Nichols and Bessie Nichols (the latter an applicant for intermarried rights); that Nema May and Lita Lois Scott are the children of the applicant, Della May Scott, and Burris Scott, a non-citizen; that James W., Maggie M., Mettie Myrtle and Lonie A. Nichols are the children of the applicant, Orin M. Nichols and Amanda M. Nichols (the latter an applicant for intermarried rights); and that the applicant, Cora Lee and Daphne Myrtle Nichols, are the children of the applicants, James W. Nichols and Osa Nichols (the latter an applicant for intermarried rights).

The applicant, William B. Brown, claims his right to citizenship in the Choctaw Nation by the virtue of his marriage on February 10, 1858, under the laws of the state of Arkansas, to Becky Cooper (now deceased); that Nancy Brown claims her right to enrollment as a citizen by intermarriage by virtue of her marriage to the applicant, William B. Brown, on September 21, 1879; that Eli W. Brown claims his right to enrollment as a citizen by intermarriage by virtue of his marriage on August 21, 1899, under the laws, customs and usages of the Chickasaw Nation to the applicant, Becky Brown, both of said applicants being at said time residents in good faith of the Chickasaw Nation; that Amanda Brown claims her right to enrollment as a citizen by intermarriage by virtue of her marriage on December 2, 1886, to the applicant, Caswell M. Brown; that Andrew J. Peck claims his right to enrollment as a citizen by intermarriage by virtue of his marriage on December 15, 1887, under the laws of the state of Arkansas to the applicant, Polly A. Peck; that Sarah Brown claims her right to enrollment as a citizen by intermarriage by virtue of her mar-

riage to George G. Brown on June 9, 1895; that the applicant, Nancy C. Nichols, claims her right to enrollment as a citizen by intermarriage by virtue of her marriage to the applicant, James B. Nichols, on March 9, 1873; that the applicant, Bessie Nichols, claims her right to enrollmantas a citizen by intermarriage by virtue of her marriage on September 11, 1898, to the applicant, John W. B. Nichols; that Amanda M. Nichols claims her right to enrollment as a citizen by intermarriage by virtue of her marriage on October 20, 1878, to the applicant, Orin M. Nichols; and that Osa Nichols claims her right to enrollment as a citizen by intermarriage by virtue of her marriage on April 27, 1899, to the applicant, James W. Nichols.

It does not appear from the record herein or from the records in the possession of this office that the applicant, Andrew J. Peck, has ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, nor has said applicant ever been married to Polly Ann Peck, through whom he claims his intermarried rights, by virtue of a license issued by the tribal authorities of either the Choctaw or Chickasaw Nation.

At the hearing before the Commissioner to the Five Civilized Tribes on May 21, 1906, William N. Brown, Caswell M. Brown, James B. Nichols, and Orin M. Nichols testified that in 1894 they, together with the other applicants herein who were living at said time, petitioned the Choctaw Council for admission as citizens of the Choctaw Nation; that no action having been taken thereon, they,

in 1896, appeared before the Choctaw Census Commission and made application to be enrolled upon the 1896 Choctaw Census Roll; and that some time in January, 1897, they received a certificate from the Secretary of the Choctaw Revisory Board, wherein it appeared that they had been enrolled upon the 1896 Choctaw Census Roll. Said applicants further testified that prior to 1896 they had been permitted to issue permits for their tenants, held lands, and were not subject to any tribal tax which was due from all non-citizens who were engaged in the mercantile business.

On June 4, 1906, John H. Gamblin testified that he was acquainted with the applicants herein, and that in October, 1894, he having business before the Choctaw Council, presented on behalf of the applicants herein who were living at that time, a petition praying that they be admitted as citizens of the Choctaw Nation, and that he does not know what action, if any, was ever taken thereon.

Upon an examination of the tribal rolls of the Choctaw Nation in the possession of this office, it appears that the applicants, William B. Brown, William N. Brown, Nancy J. Brown, Caswell M. Brown, Amanda Brown, Polly Ann Peck, Andrew J. Peck, George G. Brown, Sarah Brown, Nancy A. Brown, Bettie McCarty, Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie) Hudson, Alice Brown, George Brown, Susie Brown, Maudie Brown, Willie Brown, Florence Peck, Oscar Peck, Benjamin Peck, Andrew Peck, James B. Nichols, Nancy C. Nichols, Orin M. Nichols, Amanda M. Nichols, John W. E. Nichols, Della May Scott, Nancy V. Nichols, James W. Nichols, Maggie M. Nichols, Mettie Myrtle Nichols and Lonie A. Nichols, are identified upon the 1896 Choctaw Census Roll opposite numbers 1688, 1691, 1692, 1701, 1702, 10518, 10517, 1705, 1706, 1689, 1690, 1693, 1694, 1695, 1696, 1697, 1698, 1699,

1703, 1704, 10519, 10520, 10521, 10522, 9803, 9808, 9812, 9813, 9809, 9810, 9811, 9814, 9815, 9816, and 9817, respectively.

It further appears from the record herein that all of the applicants that were living on June 28, 1898, were residents in good faith of the Indian Territory on said date.

The evidence in this case further shows that the applicant, Daphne Myrtle Nichols, died on June 27, 1901.

I am of the opinion that in accordance with the opinions of the Assistant Attorney General for the Department of the Interior of February 10, 1905 (I.T. D. 10353-1904) and December 8, 1905 (I.T.D. 3693-1905), in the case of Lula West, the action of the Commission to the Five Civilized Tribes, and the subsequent action of the United States Court for the Southern District of Indian Territory, and the Choctaw and Chickasaw Citizenship Court upon the right of the applicants who applied to the Commission to the Five Civilized Tribes in 1896, with the exception of Andrew J. Peck, was without authority of law, and of no force and effect upon the status of said applicants as citizens of the Choctaw Nation.

I am further of the opinion that the orders of the Commission to the Five Civilized Tribes of December 12, 1904 and March 18, 1905, dismissing the applications for the enrollment of Mary E. McCarty, William Erman Johnston, Minnie Gertrude Brown, Fannie C. Brown, Henry Niten Brown, Elbert Knightington Brown, Otis Dewey Peck, Virgie Peck, Louis Herman Nichols and Golda Ula Nichols as citizens by blood of the Choctaw Nation, and Eli W. Brown, Bessie Nichols and Osa Nichols as citizens by intermarriage of the Choctaw Nation, should be rescinded.

I am further of the opinion that in accordance with the

opinions of the Assistant Attorney General for the Department of the Interior of March 3, 1905 (I.T.D. 187-1905) and March 10, 1906 (I.T.D. 9969-1905), Nancy A. Brown, Bettie McCarty, Mary Ethel McCarty, William N. Brown, Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie) Hudson, Alice Brown, George Brown, Susie Brown, William Erman Johnston, Minnie Gertrude Brown, Henry Niten Brown, Fannie C. Brown, Caswell M. Brown, Maudie Brown, Willie Brown, Elbert Knightington Brown, Polly A. Peck, Florence Peck, Oscar Peck, Benjamin Peck, Andrew Peck, Otis Dewey Peck, Virgie Peck, George G. Brown, Willie Emma Brown, James B. Nichols, Della May Scott, Nancy V. Nichols, John W. B. Nichols, Louie Herman Nichols, Golda Vla Nichols, Orin M. Nichols, James W. Nichols, Maggie M. Nichols, Mettie Myrtle Nichols and Lonie A. Nichols should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that William B. Brown, Nancy Brown, Eli W. Brown, Amanda Brown, Sarah Brown, Nancy C. Nichols, Bessie Nichols, Amanda M. Nichols, and Osa Nichols should be enrolled as citizens by intermarriage of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the application made for the enrollment of Andrew J. Peck as a citizen by intermarriage of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

I am further of the opinion that William A. McCarty, Ollie McCarty, Oscar Lee Johnston, Willie Clarence Brown, Roy Lester Johnston, Edna Arvel Johnston, Teddy Golden Johnston, Rubie Dill Brown, Annie Jewell Brown, Prebble Peck, Cassie Brown, Goldie Brown, Nema May Scott, Lita Lois Scott, Sylvie Jewel Nichols and Cora Lee Nichols should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (Public No. 129), and it is so ordered.

I am further of the opinion that the application made for the enrollment of Daphne Myrtle Nichols as a citizen by blood of the Choctaw Nation should be dismissed, and it is so ordered.

Tams Bixby,
COMMISSIONER.

Muskogee, Indian Territory,
Aug. 13, 1906.

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Cora Brown

as a citizen of

Choctaw Nation.

Approved..... 190...

.....

Commissioner.

Born May 31 1900

DEPARTMENT OF THE INTERIOR

FILED

JUL 23 1906

JUL 2[illegible] 1906

Standard Arkansas Form Co.'s Legal Light — FOR SIZ

ELECTROPLATES REPRODUCED ON BOND PAPER. COPYRIGHTED 1898

CERTIFICATE OF OFFICE.

STATE OF ARKANSAS, }
County of Polk } SS

I, L. D. Thurman, County Clerk within and for the County aforesaid, do hereby certify that R. M. Johnson, Esq. whose name is signed to the above and foregoing instrument of writing, was at the time of the signing thereof a duly commissioned and acting Justice of the Peace within and for Polk County; that his signature thereto is in his own proper handwriting and genuine, and that full faith and credit are due all his official acts as such.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 26 day of May 1906.

L. D. Thurman County Clerk.

By ..... D. C.

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Chaltaw Nation,

of Carrie Brown [Here insert name of child], born on the 31 day of May 1900.

Name of Father: George G. Brown a citizen of the Chaltaw Nation.

Name of Mother: Sarah Brown a citizen of the Chaltaw Nation.

Tribal enrollment of father George G. Brown Tribal enrollment of mother Sarah Brown.

Postoffice Marland

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
..... District. }

I Sarah Brown, on oath state that I am 30 years of age and a citizen by inter marriage of the ~~Chaltaw~~ Chaltaw Nation; that I am the lawful wife of George G. Brown, who is a citizen, by Blood Said to Be the Chaltaw Nation; that a female [Male or Female] child was born to me on 31 day of May 1900; that said child has been named Carrie Brown, and was living March 4, 1906.

Sarah Brown

WITNESSES TO MARK:

[Must be Two Witnesses] .....

.....

Subscribed and sworn to before me this 24 day of May 1906.

R. M. Johnson J. P.
~~Notary Public~~

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
..... District. }

I, R. H. Davis, a Physician, on oath state that I attended on Sarah Brown wife of George G. Brown on the 31 day of May 1900, that there was born to her on said date a Girl [Male or Female] child: that said child was living March 4, 1906, and is said to have been named Carrie Brown

R. H. Davis M. D.

WITNESSES TO MARK:

[Must be Two Witnesses] .....

.....

Subscribed and sworn to before me this 24 day of May 1906.

R. M. Johnson J. P.
~~Notary Public~~

MISSISSIPPI CHOCTAW.

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Gordie Brown

as a citizen of

Choctaw Nation.

Approved..... 190...

.....

Commissioner.

Born Sept 5-1904.

ACT OF CONGRESS APPROVED APRIL 26, 1906.

DEPARTMENT OF [illegible]

Commissioner to the Five Civilized Tribes.

FILED

JUL 23 1906

[illegible] CHOCTAW.

NEW CORP

923

~~284~~

Commissioner.

Census Identify

RECEIVED

JUL 20 1906

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cholctaw Nation,
of Galtia Brown [Here insert name of child], born on the 4 day of Sept 1904
Name of Father: George G. Brown a citizen of the Cholctaw Nation.
Name of Mother: Sarah Brown a citizen of the Cholctaw Nation.
Tribal enrollment of father George G Brown Tribal enrollment of mother Sarah Brown.
Postoffice Marland

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
District. }

I, Sarah Brown on oath state that I am 30
years of age and a citizen by inter Marage of the Chahlan Nation;
that I am the lawful wife of George G Brown who is said to be a
citizen By Blood of the Chahlan Nation; that a female child was
born to me on 4 day of Sept 1904; that said child has been named
Galtia Brown and was living March 4, 1906.

Sarah Brown

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 24 day of May 1906.

R. M. Johnson J. P.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
District. }

I R. H. Davis a Physician on oath state that I
attended on Sarah Brown wife of George G Brown.
on the 5 day of Sept 1904 that there was born to her on said date a Girl child
[Male or Female]
child; that said child was living March 4, 1906, and is said to have been named Galtia Brown.

R. H. Davis M. D.

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 24 day of May 1906.

R. M. Johnson J. P.
Notary Public.

Miss. Choc. MB
282,283,284.

Muskogee, Indian Territory, August 24, 1906.

George G. Brown,

Moreland, Arkansas.

Dear Sir:

In reference to the applications heretofore submitted to this office for the enrollment as citizens of the Choctaw Nation of your minor children Casia, Willie Emer and Goldia Brown, you are advised that this office is unable to locate either your name or that of Sarah Brown, the mother of said children, upon its records.

You are requested to state whether you or your wife, Sarah Brown, ever made application for enrollment as a citizen of the Choctaw Nation and, if so, whether you applied as citizens by blood or as Mississippi Choctaws; also state when and where such application was made, giving the names of your parents and the names of the parents of your wife.

This matter should receive your immediate attention and this letter should be returned with the information requested.

Respectfully,

Acting Commissioner.

23-923

Muskogee, Indian Territory, September 15, 1906.

Cruce, Cruce & Bleakmore,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of September 7, 1906, in the matter of the application for the enrollment of Casia, Willie, Emer and Goldia Brown in which you state that the mother of these children is Sarah Brown, daughter of O. H. P. and Bettie Johnston and that Bettie Johnston was admitted by a decision of the Commissioner to the Five Civilized Tribes of August 13, 1906.

In reply to your letter you are advised that the information contained therein has enabled this office to identify Sarah Brown, mother of these children as a citizen by blood of the Choctaw Nation and the same has been filed with the record in this case.

Respectfully,

Commissioner.

23-932

Muskogee, Indian Territory, February 9, 1907.

Charles Burney,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 28, asking when you will be advised of the enrollment of your child, Frank Burney.

In reply you are advised that it is probable that the name of your child, Frank Burney, will be placed upon the next schedule of minor citizens of the Choctaw Nation under the Act of Congress approved April 26, 1906, to be forwarded the Department and you will be notified when his enrollment is approved.

Respectfully,

Commissioner.

1-12903

Land
31790-1909.
J.E.D.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
Washington.

Jun. 25, 1909

Enrollment case of
Wm. B. Brown et al.

The Commissioner
to the Five Civilized Tribes,
Muskogee, Oklahoma.

Sir:

Referring to your report of April 20, 1909, relative to the consolidated Choctaw enrollment case of William B. Brown et al., you are advised, that on June 15, 1909, the Department held that the case mentioned was no analogous to that of John E. Goldsby, and did not come within the principles announced by the Supreme Court of the United States in that case, (211 U. S. 249).

The Department, therefore, declined to take any action looking to the enrollment of any of the applicants in the consolidated case of William B. Brown et al.

A copy of approved Office letter of May 17, 1909, is inclosed for your further information.

You are requested to notify the parties in interest.

Very respectfully,

J. H. Dortch,
Acting Chief Clerk.

MRH-19
2538

6

D-7339

Land
31790-1909
J E D

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS,
Washington.

C.R.
J.W.
J.F.Jr.
W.R.L.

Enrollment case of
William B. Brown et al.

May 17, 1909.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of March 1, 1909, there is transmitted herewith a report dated April 20, 1909, from the Commissioner to the Five Civilized Tribes, relative to the enrollment case of William B. Brown et al. The history of the claim is set out fully in the reports enclosed.

The record shows, among other things, that on August 15, 1906, the Commissioner to the Five Civilized Tribes rendered a decision that Nancy A. Brown, Bettie McCarty, Mary Ethel McCarty, William N. Brown, Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie) Hudson, Alice Brown, George Brown, Susie Brown, William Erman Johnston, Minnie Gertrude Brown, Henry Niten Brown, Fannie C. Brown, Caswell M. Brown, Maudie Brown, Willie Brown, Elbert Knightington Brown, Polly A. Peck, Florence Peck, Oscar Peck, Benjamin Peck, Andrew Peck, Otis Dewey Peck, Virgie Peck, George G. Brown, Willie Emma Brown, James B. Nichols, Della May Scott, Nancy V. Nichols, John W. B. Nichols, Louie Herman Nichols, Golda Ula Nichols, Orin M. Nichols, James W. Nichols, Maggie M. Nichols, Nettie Myrtle Nichols and Lonie A. Nichols should be enrolled as citizens by blood and William B. Brown, Nancy Brown, Eli W. Brown,

Amanda Brown, Sarah Brown, Nancy C. Nichols, Bessie Nichols, Amanda M. Nichols and Osa Nichols as citizens by intermarriage of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stat. L. 495) and July 1, 1902 (32 Stat., L. 641).

The applications for the enrollment of William A: McCarty, Ollie McCarty, Oscar Lee Johnston, Willie Clarence Brown, Roy Lester Johnston, Edna Arvel Johnston, Teddy Golden Johnston, Rubie Dill Brown, Annie Jewell Brown, Prebble Peck, Cassie Brown, Goldie Brown, Nema May Scott, Lita Lois Scott, Sylvie Jewel Nichols and Cora Lee Nichols were also granted under the provisions of the Act of Congress approved April 26, 1906 (34 Stat. L. 137).

The application for the enrollment of Andrew J. Peck as a citizen by intermarriage was denied and the application for the enrollment of Daphne Myrtle Nichols as a citizen by blood of the Choctaw Nation was dismissed.

It appears that on August 14, 1906, the record in the case, together with the decision, was forwarded by the Commissioner to the Five Civilized Tribes, and that on February 7, 1907, he transmitted to the Department schedules of citizens of the Choctaw Nation by blood and by marriages, containing the names of persons who were favorably passed upon by him in his decision of August 13, 1906, in this case. It appears also that on February 26, 1907, the Commissioner, referring to Department letter of February 23, 1907, invited t...

the Department's attention to the above-mentioned schedules, and to the Choctaw enrollment case of William B. Brown, et al, and recommended, in view of the opinion of the Attorney General dated February 19, 1907, in the Loula West and other cases, that his decision of August 13, 1906, be not approved, and that the schedules referred to be disapproved.

On March 1, 1907, the Department reversed the decision of the Commissioner so far as it was favorable to the applicants, and disapproved the schedules containing their names.

The Commissioner to the Five Civilized Tribes reports further that his office has no record of any favorable decision of the Department as to the persons included in this case.

It appears also that their names have never been placed upon any roll or schedule of citizens of the Choctaw Nation prepared by the Commissioner to the Five Civilized Tribes and approved by the Department.

The Office concurs in the view of the Commissioner to the Five Civilized Tribes that as the record in the case is a complete one, the applicants could add nothing material thereto at this time, and to have them appear at his office to give further testimony would only make additonal expense for them and work a hardship without any benefits accruing therefrom.

On April 9, 1909, the Office requested the Commissioner to the Five Civilized Tribes to take no steps pending the preparation of his report concerning the enrollment case of William B. Brown, et al toward the issuance of a patent to any adverse party in interest to the lands occupied by the applicants in the above mentioned case. The Commissioner was also

requested to instruct the United States Indian Agent, at Union Agency, to suspend action, if any was contemplated, toward dispossessing the applicants of the lands occupied by them until further advised by the Department.

The Commissioner reports that no formal allotments were made to the persons included in the above case, but that applications were made in their behalf for certain lands which were involved in Chickasaw contest cases. The contests in behalf of these claimants were dismissed by the Commissioner to the Five Civilized Tribes, and on October 12, 1907, the Office held that the action of the Commissioner was proper, and recommended that he be advised that all applications for allotments in behalf of these persons should be denied.

This recommendation was approved by the Department on October 14, 1907. It appears from the report of the Commissioner to the Five Civilized Tribes that the lands in contest were awarded to the contestees and patents therefor were recorded and delivered to them. Title having passed to the contestees, the Department is now without authority to place or permit the applicants in the William B. Brown case to remain in possession of the lands covered by the patents issued to the contestees, even in the event of the Department rendereing a favorable decision relative to their enrollment.

The Commissioner reports that his office has no record of the applicants in the case mentioned holding or claiming possession of any other lands in the Choctaw or Chickasaw

Nations, but says that if they are in occupancy of such other lands his office will, upon receipt of a description thereof, make a record of the claims pending further action by the Department.

The Office is of the opinion that the case of William B. Brown, et al., is not analogous to that of John B. Goldsby, and that it does not come within the principles announced by the Supreme Court of the United States in its decision of November 30, 1908, in that case (211 U. S. 249).

It is therefore recommended that the Department take no action looking to the enrollment of any of the applicants included in the consolidated case of William B. Brown et al.

The record in the case, and other papers pertaining thereto, are transmitted herewith for your further information.

Very respectfully,

R. G. Valentine,

Acting Commissioner.

RES 11
891
WCP June 15, 1909 JWH
Approved:

Frank Pierce,

First Assistant Secretary. PWC.

Muskogee, Oklahoma, June 29, 1909.

George G. Brown,

Comanche, Oklahoma.

Sir:

You are hereby notified that on June 15, 1909, the Secretary of the Interior held that the Choctaw enrollment case of William B. Brown et al., with which your case was consolidated, was not analogous to that of John B. Goldsby (211 U. S. 249) and declined to take any action looking to the enrollment of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in said Goldsby case.

Respectfully,

WHA-HB.

Commissioner.

Choc. Minor 924

Nema May Scott

Leta Lois Scott

M 924

Aug 13, 1906 Granted.

Mar 1, 1907 Decision of Commissioner revised and schedule containing names of these applicants disapproved by the Dept.

Mar 1, 1909 Dept. requests report.

Apr 20, 1909 Report to Dept.

June 15, 1909 Dept. holds case is not analogous to Goldsby case and declines to take action looking to enrollment of applicants.

June 29, 1909 Parties notified.

NEW BORN 23-924

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Nenna May Scott

as a citizen of

Choctaw Nation.

Approved..... 190...

.....

Commissioner.

From May 15, 1903

ACT OF CONGRESS APPROVED APRIL 26, 1906.

[illegible] OF THE INTERIOR

JUL 25 1906

[illegible]

File with NB 924

CHOCTAW

5/a 2

RECEIVED
JUN 9- 1906

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Nema May Scott [Here insert name of child], born on the 15 day of May 1903

Name of Father: Burr F. Scott a citizen of the — Nation.

Name of Mother: Della M. Scott a citizen of the Choctaw Nation.

Tribal enrollment of father — Tribal enrollment of mother Della Nichols

Postoffice Comanche I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Della M. Scott on oath state that I am twenty-two years of age and a citizen by blood of the Choctaw Nation; that I am the lawful wife of Burr F. Scott, who is a citizen, by — of the — Nation; that a female [Male or Female] child was born to me on the 15th day of May 1903; that said child has been named Nema May Scott and was living March 4, 1906.

Della M. Scott

WITNESSES TO MARK:

[Must be Two Witnesses] W. O'Neal
E. V. O'Neal

Subscribed and sworn to before me this 28th day of May 1906.

Burr L. Allen
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, J. P. Bentley a Physician on oath state that I attended on Mrs. Della M. Scott wife of Burr L. Scott on the 15 day of May 1903; that there was born to her on said date a female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Nema May Scott.

J. P. Bentley M.D.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 29th day of May 1906.

J. B. Wilkinson
Notary Public

NEW BORN 23-924

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Lyta Lois Scott

as a citizen of

CHOCTAW

..... Nation.

Approved..... 190...

.....

Commissioner.

Born Feb 1, 1906

ACT [illegible] APRIL 26, 1906.

[illegible] OF THE INTERIOR

JUL 25 1906

CHOCTAW

RECEIVED
JUN 9- 1906

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Lyda Lois Scott, born on the 1 day of Feb 1906

[Here insert name of child]

Name of Father: Burr F. Scott a citizen of the ——— Nation.

Name of Mother: Della M Scott a citizen of the Choctaw Nation.

Tribal enrollment of father ——— Tribal enrollment of mother Della Nichols

Postoffice Comanche I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Della M Scott on oath state that I am twenty-two years of age and a citizen by blood of the Choctaw Nation; that I am the lawful wife of Burr F. Scott, who is a citizen, by ——— of the ——— Nation; that a female child was born to me on 1st day of February 1906; that said child has been named Lyda Lois Scott and was living March 4, 1906.

Della M. Scott.

WITNESSES TO MARK: }
[Must be Two Witnesses] } W E O'Neall
E L O'Neall

Subscribed and sworn to before me this 28th day of May 1906.

Bess L. Allen
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, J P Bentley a Physician on oath state that I attended on Mrs Della M Scott wife of Burr F. Scott on the 1 day of Feb 1906; that there was born to her on said date a female [Male or Female] child: that said child was living March 4, 1906, and is said to have been named Lyda Lois Scott

J P Bentley MD

WITNESSES TO MARK: }
[Must be Two Witnesses] }

Subscribed and sworn to before me this 29th day of May 1906.

J B Wilkinson
Notary Public.

O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William H. Brown, et al., as citizens of the Choctaw Nation, consolidating the applications of

William H. Brown, et al.	?-5096,
William H. Brown, et al.	?-5060,
Eli W. Brown, et al.	?-D-432,
Caswell M. Brown, et al.	?-5064
Andrew J. Peek, et al.	?-5062
George G. Brown, et al.	?-5098
James B. Nichols, et al.	?-5100,
John W. B. Nichols, et al.	?-5097,
Orin M. Nichols, et al.	?-5061,
Osa Nichols, et al.	?-D-509.

D E C I S I O N.

It appears from the census card records in this case that on September 22, 1896, application was made to the Commission to the Five Civilized Tribes for the enrollment of William H. Brown (sixty-one years of age), as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his two children, Nancy A. Brown (twenty-three years of age) and Hettie Brown, now McCarty (nineteen years of age), as citizens by blood of the said nation; on September 22, 1896,,for the enrollment of William H. Brown (thirty-nine years of age), and his seven minor children, Sarah Brown, now Johnston (eighteen years of age), Becky Brown (sixteen years of age), Mary Brown, now Johnston (thirteen years of age), Hannie (or Minnie)

Brown, now Hudson (eleven years of age), Alice Brown (eight years of age), George Brown (five years of age) and Susie Brown (one year of age), as citizens by blood of the Choctaw Nation; and for the enrollment of Nancy Brown (thirty-six years of age) as a citizen by intermarriage of said nation; on September 5, 1899, for the enrollment of Eli W. Brown (twenty-eight years of age) as a citizen by intermarriage of the Choctaw Nation; on September 22, 1898, for the enrollment of Caswell H. Brown (thirty-four years of age), and his two minor children, Maudie (ten years of age) and Willie Brown (six years of age), as citizens by blood of the Choctaw Nation, and on October 18, 1898, for the enrollment of his wife, Amanda Brown (thirty-one years of age), as a citizen by intermarriage of said nation; on September 22, 1898, for the enrollment of Andrew J. Peak (thirty-two years of age) as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Polly A. Peak (thirty years of age), and his five minor children, Florence (nine years of age), Oscar (seven years of age), Benjamin G. (five years of age), Andrew (three years of age), and Otis Dewey Peak (two months of age), as citizens by blood of said nation; on September 22, 1898, for the enrollment of George G. Brown (twenty-six years of age), and his minor daughter, Willie Emma Brown (three years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Sarah Brown (twenty-one years of age), born citizen by intermarriage of said nation; on September 22, 1898, for the enrollment of James B. Nichols (forty-eight years of age), and his two minor children, Della May Nichols, now Scott (fourteen years of age), and Nancy V. Nichols (seven years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Nancy C. Nichols, (forty-two years of age), as a

citizens by intermarriage of said nation; on September 22, 1898, for the enrollment of John W. B. Nichols (twenty-four years of age) as a citizen by blood of the Choctaw Nation, and for the enrollment of his wife, Bessie Nichols (eighteen years of age), as a citizen by intermarriage of said nation; on September 22, 1898, for the enrollment of Orin M. Nichols (forty-four years of age), and his four minor children, James W. (eighteen years of age), Maggie M. (twelve years of age), Nettie Myrtle (eight years of age), and Lemie A. Nichols (four yearsof age), as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Amanda M. Nichols (thirty-eight years of age), as a citizen by intermarriage of said nation; and on September 25, 1899, for the enrollment of Cea Nichols (seventeen years of age) as a citizen by intermarriage of the Choctaw Nation.

Applications were subsequently made for the enrollment of the following minor applicants as citizens by blood of the Choctaw Nation: On January 20, 1902, for the enrollment of Mary Ethel McCarty (born December 8, 1901); on May 31, 1906, for the enrollment of William A. McCarty (born April 21, 1904) and Ollie McCarty (born February 14, 1906); on October 13, 1900, for the enrollment of William Kress Johnston (born June 30, 1900); on October 19, 1900, for the enrollment of Minnie Gertrude Kress (born August 13, 1900); on May 16, 1901, for the enrollment of Fannie C. Kress (born February 11, 1901); on April 29, 1905, for the enrollment of Oscar Lee Johnston (born November 14, 1902); on April 29, 1905, for the enrollment of Willie Clarence Kress (born April 8, 1903); on July 12, 1902, for the enrollment

Henry Niten Brown,(born May 21, 1902); on April 29, 1905, for the enrollment of Ray Lester Johnston (born October 26, 1903); on May 21, 1906, for the enrollment of Edna Arvel Johnston (born March 21, 1905); on April 14, 1905, for the enrollment of Rubie Dill Brown (born February 18, 1904); in 1899, for the enrollment of Elbert Knightington Brown (born October 8, 1899); on April 7, 1905, for the enrollment of Annie Jewell Brown (born December 2, 1902); on December 10, 1901, for the enrollment of Virgie Peek (born October 11, 1901); on April 8, 1905, for the enrollment of Prebble Peek (born February 19, 1904); on May 21, 1906, for the enrollment of Cassie Brown (born May 30, 1900) and Goldie Brown (born September 8, 1904); on April 17, 1905, for the enrollment of Nona May Scott (born May 15, 1903) and Lita Lois Scott (born February 1, 1906); on September 1, 1900, for the enrollment of Louis Herman Nichols (born August 19, 1900); on December 27, 1901, for the enrollment of Golda Ula Nichols (born September 15, 1901); on April 1, 1905, for the enrollment of Sylvie Jewel Nichols (born August 28, 1903); on April 14, 1905, for the enrollment of Cora Lee Nichols (born November 6, 1902); on April 6, 1901, for the enrollment of Daphne Myrtle Nichols (born February 20, 1901); and on May 21, 1906, for the enrollment of Teddy Golden Johnston (born June 15, 1906).

It appears from the records of the Commission to the Five Civilized Tribes that on September 9, 1896, in the case entitled "Nancy Cooper, et al. vs. Cheetaw Nation" (1896 Cheetaw Citizenship Docket, Case No. 1418), original application was made to said Commission, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for admission to

citizenship in the Choctaw Nation of the applicants, Nancy A. Brown (as Nancy Alice Brown), Bettie McCarty (as Rebecca Elizabeth Brown), William H. Brown (as William Hiten Brown), Sarah Johnston (as Sarah Elizabeth Brown), Becky Brown (as Rebecca Catherine Brown), Mary Brown (as Mary Arrillia Brown), Mamie (or Minnie) Hudson (as Minnie Ann Brown), Alice Brown, George Brown (as George Montgomery Brown), Caswell H. Brown, Maudie Brown (as Mandy E. Brown), Willie Brown (as William G. Brown), Polly A. Peck (as Polly Ann Peck), Florence Peck (as Minnie F. Peck), Oscar Peck (as Oscar S. Peck), Benjamin Peck (as Benjamin G. Peck), Andrew Peck, George G. Brown, Willia Emma Brown, James E. Nichols (as James Ernest Nichols), Della May Scott (as Mary Della May Nichols), Nancy V. (Nannie Velma Nichols), John W. B. Nichols (as John William Bethuel Nichols), Orin M. Nichols (as Orrin Mayberry Nichols), James W. Nichols (as James Willis Nichols), Maggie M. Nichols (as Maggie May Nichols), Nettie Myrtle Nichols, Lemie A. Nichols (as Lena Alta Nichols), as citizens by blood of said nation, and for the admission of William H. Brown, Nancy J. Brown (as Nancy Jane Brown), Amanda Brown, Andrew J. Peck (as A. J. Peck), Sarah Brown, Nancy C. Nichols (as Nancy Careline Nichols), and Amanda M. Nichols (as Amanda Melvina Nichols), as citizens by intermarriage of said nation; and that on December 8, 1896, said Commission rendered its decision therein, denying the application of the above named applicants for enrollment as citizens of the Choctaw Nation.

From the decision of said Commission an appeal was taken to the United States Court for the Southern District of Indian Territory, which court on December 27, 1897, in the case

entitled "Nancy J. Cooper, et al. vs. Choctaw Nation" (Southern District Citizenship Case No. 96), admitted Nancy A. Brown (as Nancy Alice Brown), Bettie McCarty (as Bettie Brown), Sarah Johnson (as Sarah Brown), Becky Brown, Mary Brown, Mamie (or Minnie) Hudson (as Mamie Brown), Alice Brown, George Brown, Susie Brown, Caswell M. Brown (as Caswell Marion Brown), Maudie Brown, Willie Brown, Polly A. Peck (as Polly Ann Peck), Florence Peck, Oscar Peck, Benjamin Peck (as Benjamin Grant Peck), Andrew Peck, George G. Brown, Willie Rena Brown, James B. Nichols (as James Bruton Nichols), Della May Scott (as Dell May Nichols), Nancy M. Nichols (as Nancy Velmor Nichols), Orin M. Nichols (as Orin Mayberry Nichols), James W. Nichols (as James Willis Nichols), Maggie M. Nichols (as Maggie May Nichols), Mattie Myrtle Nichols (as Myrtle Nichols), and Lonie A. Nichols (as Lonie Alta Nichols), as citizens by blood of the Choctaw Nation, and William B. Brown (as William Binford Brown), Andrew J. Peck (as Andrew Jackson Peck), and Nancy C. Nichols (as Nancy Caroline Nichols), as citizens by intermarriage of said nation, and denied the applications for the admission of Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, and Amanda M. Nichols (as Amanda Melvina Nichols), as citizens by intermarriage of the Choctaw Nation. The name of the applicant, Susie Brown, was interpolated in the judgment of said court, she not having been an applicant before the Commission to the Five Civilized Tribes in 1896.

On March 18, 1898, said case again came before said court upon a motion of the plaintiff's attorneys to correct the judgment of said court rendered December 20, 1897, and the court, thereupon, ordered said judgment corrected so as to admit the

applicants, Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, Amanda M. Nichols (as Amanda Melvina Nichols), as citizens by intermarriage of the Choctaw Nation.

On September 28, 1898, said court rendered a supplemental judgment admitting Amanda Brown as a citizen by intermarriage of the Choctaw Nation.

On January 17, 1900, this cause again came before said court upon a motion of the defendant to strike out of the judgment theretofore rendered, certain names improperly admitted to citizenship, and said court being fully advised, ordered that the following names, Susie Brown, Andrew J. Peak as (Andrew Jackson Peak), Bettie McCarty (as Bettie Brown), and Becky Brown, be stricken from said former judgment.

Subsequently, upon the representation of the plaintiffs' attorneys that certain persons who were original applicants were by oversight or mistake left out of the original judgment theretofore rendered, the court ordered that the applicants, Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, Amanda Brown, Amanda M. Nichols and Rebecca E. Brown be admitted to citizenship in the Choctaw Nation.

It further appears from the records of said Commission that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgement of the United States Court for the Southern District of Indian Territory?

Thereafter, the record in the above case was certified to the Choctaw and Chickasaw Citizenship Court, for a trial de novo, which court, on November 29, 1904, in the case entitled, "William

Neighton Brown, et al. vs. Choctaw and Chickasaw Nations" (Choctaw Chickasaw Citizenship Court Case No. 73, Tishomingo Docket), "ordered, adjudged and decreed that the petition of the plaintiffs, William Neighton Brown (or William Knighton Brown), Caswell Marion Brown, Polly Ann Peak (nee Brown), George R. Brown (or George G. Brown), Money Ellis Brown (or Monky Alice Brown), Sarah Brown, Mary Brown, Mamie Brown (or Mamie Brown), Alice Brown, George Brown, Mandie Brown (or Maudie Brown), Willie Brown, Florence Peek, Oscar Peek, Benjamin Grant Peek, Andrew Peek, William Emma Brown (or Willie Emma Brown), ... James Burton Nichols, (or James Bruton Nichols), Orey Mayberry Nichols (or Orin Mayberry Nichols), John William Baffle Nichols, Della May Nichols, Nancy Velmer Nichols, James Willis Nichols, Maggie May Nichols, Myrtle Nichols, Lonie Alta Nichols, ... William Buford Brown, Nancy Caroline Nichols, Rebecca E. Brown (or Becky Brown), Rebecca C. Brown (or Rebecca Brown), Amanda Melvina Nichols, Amanda Brown, Nancy J. Brown (or Nancy Jane Brown), Sarah Brown, ... be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom."

On December 12, 1904, orders were entered of record by the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of Mary E. McCarty, William Erman Johnston, Minnie Gertrude Brown, Henry Niten Brown, Elbert Knightington Brown, Otis Dewey Peek, Virgie Peek, Louie Herman Nichols and Golda Vie Nichols as citizens by blood of the Choctaw Nation, and on March 18, 1905, an order was entered of record dismissing the application for the enrollment of Fannie C. Brown as a citizen by

blood of said nation. All of said applicants were dismissed for the reason that their parents through whom they claim their rights to enrollment as citizens by blood of the Choctaw Nation, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

On December 12, 1904, orders were entered of record by the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of Eli W. Brown, Bessie Nichols and Ona Nichols as citizens by intermarriage of the Choctaw Nation, for the reason that the persons through whom they claim their rights had also been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

On March 30, 1905, the Commission to the Five Civilized Tribes denied the application for the enrollment of Susie Brown as a citizen by blood of the Choctaw Nation, and on April 6, 1906 (I. T. D. 3810-1905), the Department set aside said decision of the Commission and returned the record to this office for a full investigation upon its merits.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes of January 2, 1906, there was filed on February 6, 1906, by Crook, Cruce and Blackmore, of Ardmore, Indian Territory, attorneys for the petitioners, petitions praying that William B. Brown, Nancy A. Brown, Minnie Hudson, Sarah Johnston, Oscar Lee Johnston, William Bruce Johnston, Rebecca Brown, Minnie Gertrude Brown, HenryMilton Brown, Bubie Bill Brown, Eli W. Brown, Mary A. Johnston, Ray Lester Johnston, Edna A. Johnston, Rebecca McCarty, William A. McCarty, Mary B. McCarty, William H. Brown, Nancy Jane Brown, George Brown, Alice Brown, Susie Brown, Gleton Brown, Clarence Brown, A. J. Peek, Polly Ann Peek, Minnie Peek, Oscar Sherman Peek, Benjamin Grant Peek, Andrew Peek, O. B. Peek,

Virgie Peek, Prebble Peek, C. M. Brown, Amanday Brown, Mandy Brown, William Brown, Elbert K. Brown, Annie Jewel Brown, George G. Brown, Sarah Brown, Willie Emma Brown, Cassie Brown, Goldie Brown, J. B. Nichols, Nancy Nichols, Helen Nichols, John W. B. Nichols, Bessie Deaton Nichols, Louie Herman Nichols, Golda Eula Nichols, Silva Jewel Nichols, Della May Scott, Neem Scott, Orin M. Nichols, Amanda Nichols, Myrtle Nichols, Lonie Nichols, James W. Nichols, Ona Nichols, Cora Lee Nichols and Maggie Angel be enrolled as citizens of the Choctaw Nation.

All of the above petitioners, with the exception of Ollie McCarty, Lita Lois Scott, Daphne Myrtle Nichols and Teddy Golden Johnston, are identical with the applicants for whom application has been made for enrollment as citizens of the Choctaw Nation.

On April 16, 1906, the principal petitioners, their attorneys, Cruce, Cruce & Bleakmore, of Ardmore, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, of South McAlester, Indian Territory, were advised that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday, May 14, 1906, at nine o'clock A. M., hear such testimony and receive such other evidence as might be submitted by the petitioners in support of their applications for enrollment as citizens of the Choctaw Nation, and by the attorneys for the Choctaw and Chickasaw Nations.

On April 16, 1906, William M. Brown, father of Susie Brown, Cruce, Cruce & Bleakmore, attorneys for said Susie Brown, and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, were advised that on April 6, 1906, the Department set aside the decision rendered by the Commission on March 30, 1906, and returned the record in said case with in-

structions that a full investigation be made of the rights of said Susie Brown to enrollment as a citizen by blood of the Choctaw Nation; that the testimony of creditable witnesses be required showing her Choctaw blood, if any, the time and place of her birth, her various residences, her ancestors, the privileges, if any, enjoyed by her and her parents as citizens of the Choctaw Nation; and notified that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday, May 14, 1906, at nine o'clock A. M., hear such testimony and receive such other evidence as might be submitted in support of said application, investigation to be conducted along the lines indicated by Department letter above referred to.

On motion of Attorney for applicants, the hearing in the matter of the above application was continued on April 26, 1906, to May 21, 1906.

On May 21, 1906, proceedings were had in the matter of said applications in pursuance to the notices above mentioned.

It appears from the record herein that the applicants, William H. Brown, Caswell M. Brown, Polly Ann Peek, George G. Brown, Nancy A. Brown and Bettie McCarty, are the children of theprincipal applicant, William H. Brown, and Rebecca Cooper (now deceased), who is alleged to have been a Choctaw Indian, and the daughter of William Cooper, who was the son of Johnny Cooper, an alleged Choctaw Indian, who resided near the line between the states of Tennessee and Mississippi; that Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie) Hudson, Alice Brown, George Brown, Susie Brown, Fannie C. Brown and Willie Clarence Brown, are the children of the applicants

William W. Brown and Nancy J. Brown, (the latter an applicant for intermarried rights); that William Brown, Oscar Lee and Teddy Golden Johnston are the children of the applicant, Sarah Johnston, and J. A. Johnston, a non-citizen; that Minnie Gertrude, Henry Niten and Rubie Dill Brown are the children of the applicants, Becky Brown and Eli W. Brown, (the latter an applicant for intermarried rights); that Ray Lester and Edna Arvel Johnston arethe children of the applicant, Mary Johnston, and Jess J. Johnston, a non-citizen; that Maudie, Willie, Elbert Knightington, and Annie Jewell Brown are the children of the applicant, Caswell M. Brown and Amanda Brown (the latter an applicant for intermarried rights); that Florence, Oscar, Benjamin, Andrew, Otis Dewey Virgie and Prebble Peak are the children of the applicant, Polly Ann Peak and Andrew J. Peak (the latter an applicant for intermarried rights); that Willie Bruce, Cassie and Goldie Brown are the children of the applicants, George G. Brown and Sarah Brown (the latter an applicant for intermarried rights); that Mary Ethel, William A. and Ollie McCarty are the children of the applicant, Nettie McCarty, and Oliver McCarty, a non-citizen; that James B. Nichols and Orin M. Nichols arethe children of Wilson Nichols (now deceased), a non-citizen, and Delitha Cooper (now deceased), who is alleged to havebeen a Choctaw Indian and the daughter of John Cooper, above referred to; that John W. B. Nichols, Nellie May Scott and Nancy W. Nichols are the children of the applicant, James B. Nichols and Nancy C. Nichols (the latter an applicant for intermarried rights); that Lonie Herman, Gelda Ula and Sylvie Jewel Nichols are the children of the applicant, John W. B. Nichols and Bessie Nichols (the latter an applicant for

intermarried rights); that Nona May and Lita Lois Scott are the children of the applicant, Della May Scott, and Burris Scott, a non-citizen; that James W., Maggie M., Mettie Myrtle and Lonie A. Nichols are the children of the applicant, Orin M. Nichols and Amanda M. Nichols (the latter an applicant for intermarried rights); and that the applicant, Cora Lee and Daphne Myrtle Nichols, are the children of the applicants, James W. Nichols and Ona Nichols (the latter an applicant for intermarried rights).

The applicant, William B. Brown, claims his right to citizenship in the Choctaw Nation by the virtue of his marriage on February 10, 1886, under the laws of the state of Arkansas, to Becky Cooper (now deceased); that Nancy Brown claims her right to enrollment as a citizen by intermarriage by virtue of her marriage to the applicant, William M. Brown, on September 21, 1879; that Eli W. Brown claims his right to enrollment as a citizen by intermarriage by virtue of his marriage on August 21, 1899, under the laws, customs and usages of the Chickasaw Nation to the applicant, Becky Brown, both of said applicants being at said time residents in good faith of the Chickasaw Nation; that Amanda Brown claims her right to enrollment as a citizen by intermarriage by virtue of her marriage on December 2, 1886, to the applicant, Caswell M. Brown; that Andrew J. Peck claims his right to enrollment as a citizen by intermarriage by virtue of his marriage on December 18, 1867, under the laws of the state of Arkansas to the applicant, Polly A. Peck; that Sarah Brown claims her right to enrollment as a citizen by intermarriage by virtue of her marriage to George G. Brown on June 9, 1898; that the applicant, Nancy C. Nichols, claims her right to enrollment as a citizen by intermarriage by virtue of her marriage to the applicant, James B.

Nichols, on March 9, 1873; that the applicant, Bessie Nichols, claims her right to enrollment as a citizen by intermarriage by virtue of her marriage on September 11, 1896, to the applicant, John W. B. Nichols; that Amanda M. Nichols claims her right to enrollment as a citizen by intermarriage by virtue of her marriage on October 20, 1878, to the applicant, Orin M. Nichols; and that Osa Nichols claims herright to enrollment as a citizen by intermarriage by virtue of her marriage on April 27, 1899, to the applicant, James W. Nichols.

It does not appear from the record herein or from the records in the possession of this office that the applicant, Andrew J. Peck, has ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, nor has said applicant ever been married to Polly Ann Peck, through whom he claims his intermarried rights, by virtue of a license issued by the tribal authorities of either the Choctaw or Chickasaw Nation.

At the hearing before the Commissioner to the Five Civilized Tribes on May 21, 1906, William M. Brown, Caswell M. Brown, James B. Nichols and Orin M. Nichols testified that in 1894, they, together with the other applicants herein who were living at said time, petitioned the Choctaw Council for admission as citizens of the Choctaw Nation; that no action having been taken thereon, they, in 1896, appeared before the Choctaw Census Commission and made application to be enrolled upon the 1896 Choctaw Census Roll; and that some time in January, 1897, they received a certificate from the Secretary of the Choctaw Revisory Board, wherein it appeared that they had been enrolled upon the 1896 Choctaw Census Roll. Said applicants further testified

that prior to 1896 they had been permitted to issue permits for their tenants, held lands, and were not subject to any tribal tax which was due from all non-citizens who were engaged in the mercantile business.

On June 4, 1906, John M. Gamblin testified that he was acquainted with the applicants herein, and that in October, 1894, he having business before the Choctaw Council, presented on behalf of the applicants herein who were living at that time, a petition praying that they be admitted as citizens of the Choctaw Nation, and that he does not know what action, if any, was ever taken thereon.

Upon an examination of the tribal rolls of the Choctaw Nation in the possession of this office, it appears that the applicants, William B. Brown, William H. Brown, Nancy J. Brown, Caswell M. Brown, Amanda Brown, Polly Ann Peck, Andrew J. Peck, George G. Brown, Sarah Brown, Nancy A. Brown, Bettie McCarty, Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie) Madison, Alice Brown, George Brown, Susie Brown, Mandie Brown, Willie Brown, Florence Peck, Oscar Peck, Benjamin Peck, Andrew Peck, James B. Nichols, Nancy C. Nichols, Orin M. Nichols, Amanda M. Nichols, John W. B. Nichols, Della May Scott, Nancy V. Nichols, James M. Nichols, Maggie M. Nichols, Nettie Myrtle Nichols and Lonie A. Nichols, are identified upon the 1896 Choctaw Census Roll opposite numbers 1688, 1691, 1692, 1701, 1702, 10618, 10617, 1703, 1704, 1689, 1690, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1705, 1706, 10619, 10620, 10621, 10622, 9802, 9803, 9812, 9813, 9809, 9810, 9811, 9814, 9815, 9816 and 9817, respectively.

It further appears from the record herein that all of

the applicants, that were living on June 28, 1898, were residents in good faith of the Indian Territory on said date.

The evidence in this case further shows that the applicant, Daphne Myrtle Nichols, died on June 27th 1901.

I am of the opinion that in accordance with the opinions of the Assistant Attorney General for the Department of the Interior of February 10, 1906 (I. T. D. 10383-1904) and December 8, 1906 (I. T. D. 3893-1906), in the case of Lula West, the action of the Commission to the Five Civilized Tribes, and the subsequent action of the United States Court for the Southern District of Indian Territory, and the Choctaw and Chickasaw Citizenship Court, upon the right of the applicants who applied to the Commission to the Five Civilized Tribes in 1896, with the exception of Andrew J. Peak, was without authority of law, and of no force and effect upon the status of said applicants as citizens of the Choctaw Nation.

I am further of the opinion that the orders of the Commission to the Five Civilized Tribes of December 12, 1904 and March 18, 1905, dismissing the applications for the enrollment of Mary E. McCarty, William Herman Johnston, Minnie Gertrude Brown, Fannie C. Brown, Henry Witen Brown, Elbert Knightington Brown, Otis Dewey Peak, Virgie Peak, Louis Herman Nichols and Golda Wia Nichols as citizens by blood of the Choctaw Nation, and Eli W. Brown, Bessie Nichols and Cox Nichols as citizens by intermarriage of the Choctaw Nation, should be rescinded.

I am further of the opinion that in accordance with the opinions of the Assistant Attorney General for the Department of the Interior of March 3, 1906 (I. T. D. 157-1906) and March 18,

1906 (I. T. D. 9969-1905), Nancy A. Brown, Bettie McCarty, Mary Ethel McCarty, William H. Brown, Sarah Johnston, Rosky Brown, Mary Johnston, Mamie (or Minnie) Hudson, Alice Brown, George Brown, Susie Brown, William Brown Johnston, Minnie Gertrude Brown, Henry Niton Brown, Fannie G. Brown, Caswell M. Brown, Maudie Brown, Willie Brown, Elbert Knightington Brown, Polly A. Peek, Florence Peek, Oscar Peek, Benjamin Peek, Andrew Peek, Otis Dewey Peek, Virgie Peek, George G. Brown, Willie Emma Brown, James B. Nichols, Della May Scott, Nancy V. Nichols, John W. B. Nichols, Louie Norman Nichols, Golda Ula Nichols, Orin M. Nichols, James W. Nichols, Maggie M. Nichols, Nettie Myrtle Nichols and Lonie A. Nichols should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that William B. Brown, Nancy Brown, Eli W. Brown, Amanda Brown, Sarah Brown, Nancy C. Nichols, Bessie Nichols, Amanda M. Nichols and Ora Nichols should be enrolled as citizens by intermarriage of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the application made for the enrollment of Andrew J. Peek as a citizen by intermarriage of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

I am further of the opinion that William A. McCarty, Ollie McCarty, Oscar Lee Johnston, Willie Clarence Brown, Ray

Lester Johnston, Miss Arvel Johnston, Teddy Golden Johnston, Rubie Bill Brown, Annie Jewell Brown, Prebble Peak, Cassie Brown, Goldie Brown, Nona May Scott, Lida Lois Scott, Sylvie Jewel Nichols and Cora Lee Nichols should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (Public No. 129), and it is so ordered.

I am further of the opinion that the application made for the enrollment of Eupine Myrtle Nichols as a citizen by blood of the Choctaw Nation should be dismissed, and it is so ordered.

Tams Bixby,

COMMISSIONER.

Muskogee, Indian Territory,

Aug. 13, 1906.

7-8100

Muskogee, Indian Territory, April 19, 1905.

Ben F. Scott,

Comanche, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Della May Scott and J. P. Bentley to the birth of Nuna May Scott daughter of Burr F. and Della May Scott, May 15, 1903.

It appears from our records that the mother of this child was formerly Della May Nichols and on November 29, 1904, the Choctaw and Chickasaw Citizenship Court denied the citizenship in the Choctaw Nation of Della May Nichols in case No. 73 on the Tishomingo docket.

The act of Congress approved March 3, 1905, authorizes the Commission for the period of sixty days from that date to receive applications for the enrollment of children born to citizens by blood of the Choctaw and Chickasaw Nations whose enrollment had prior to that time been approved by the Secretary of the Interior.

Respectfully,

Chairman.

Muskogee, Indian Territory, June 25, 1906.

Burr F. Scott,

Comanche, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Della M. Scott and J. P. Bentley to the birth of Nema May Scott and Lyta Lois Scott, children of Burr F. and Della M. Scott, February 1, 1906 and May 15, 1903, and the same have been filed as applications for the enrollment of said children.

It is stated in the affidavit of the mother that she is a citizen by blood of the Choctaw Nation. If this is correct you are requested to give the names of her parents, the time and place application was made for your enrollment, and if she has selected an allotment of the lands of the Choctaw or Chickasaw Nation give her roll number as the same appears upon her allotment certificate.

Respectfully,

Commissioner.

7-5100

Muskogee, Indian Territory, July 25, 1906.

Burr F.Scott,

Comanche, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of July 3, 1906, in which you state that the names of the parents of your wife, Della M. Scott, are James B. Nichols and Nancy C. Nichols.

In reply you are advised that the information contained in your letter has enabled this office to identify your wife as having been denied by the Choctaw-Chickasaw Citizenship Court, and same has been filed with the affidavits heretofore forwarded to the birth of your children Lita Lois Scott and Nona May Scott.

Respectfully,

Commissioner.

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31790-1909.
J.E.D.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
Washington.

Jun. 25, 1909

Enrollment case of
Wm. B. Brown et al.

The Commissioner

to the Five Civilized Tribes,

Muskogee, Oklahoma.

Sir:

Referring to your report of April 20, 1909, relative to the consolidated Choctaw enrollment case of William B. Brown et al., you are advised, that on June 15, 1909, the Department held that the case mentioned was no analogous to that of John E. Goldsby, and did not come within the principles announced by the Supreme Court of the United States in that case, (211 U. S. 249).

The Department, therefore, declined to take any action looking to the enrollment of any of the applicants in the consolidated case of William B. Brown et al.

A copy of approved Office letter of May 17, 1909, is inclosed for your further information.

You are requested to notify the parties in interest.

Very respectfully,

J. H. Dorteh,
Acting Chief Clerk.

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DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS,
Washington.

C.R.
J.W.
J.F.Jr.
W.R.L.

Enrollment case of
William B. Brown et al.

May 17, 1909.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of March 1, 1909, there is transmitted herewith a report dated April 20, 1909, from the Commissioner to the Five Civilized Tribes, relative to the enrollment case of William B. Brown et al. The history of the claim is set out fully in the reports enclosed.

The record shows, among other things, that on August 13, 1906, the Commissioner to the Five Civilized Tribes rendered a decision that Nancy A. Brown, Bettie McCarty, Mary Ethel McCarty, William B. Brown, Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie) Hudson, Alice Brown, George Brown, Susie Brown, William Erman Johnston, Minnie Gertrude Brown, Henry Niten Brown, Fannie C. Brown, Caswell M. Brown, Maudie Brown, Willie Brown, Elbert Knightington Brown, Polly A. Peck, Florence Peck, Oscar Peck, Benjamin Peck, Andrew Peck, Otis Dewey Peck, Virgie Peck, George G. Brown, Willie Emma Brown, James B. Nichols, Della May Scott, Nancy V. Nichols, John W. B. Nichols, Louie Herman Nichols, Golda Via Nichols, Orin M. Nichols, James W. Nichols, Maggie M. Nichols, Nettie Myrtle Nichols and Lonie A. Nichols should be enrolled as citizens by blood and William B. Brown, Nancy Brown, Eli W. Brown,

Amanda Brown, Sarah Brown, Nancy C. Nichols, Bessie Nichols, Amanda M. Nichols and Ora Nichols as citizens by intermarriage of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stat. L. 495) and July 1, 1902 (32 Stat., L. 641).

The applications for the enrollment of William A: McCarty, Ollie McCarty, Oscar Lee Johnston, Willie Clarence Brown, Roy Lester Johnston, Edna Arvel Johnston, Teddy Golden Johnston, Rubie Dill Brown, Annie Jewell Brown, Prebble Peck, Cassie Brown, Goldie Brown, Nema May Scott, Lita Lois Scott, Sylvie Jewel Nichols and Cora Lee Nichols were also granted under the provisions of the Act of Congress approved April 26, 1906 (34 Stat. L. 137).

The application for the enrollment of Andrew J. Peck as a citizen by intermarriage was denied and the application for the enrollment of Daphne Myrtle Nichols as a citizen by blood of the Choctaw Nation was dismissed.

It appears that on August 14, 1906, the record in the case, together with the decision, was forwarded by the Commissioner to the Five Civilized Tribes, and that on February 7, 1907, he transmitted to the Department schedules of citizens of the Choctaw Nation by blood and by marriages, containing the names of persons who were favorably passed upon by him in his decision of August 13, 1906, in this case. It appears also that on February 26, 1907, the Commissioner, referring to Department letter of February 23, 1907, invited

the Department's attention to the above-mentioned schedules, and to the Choctaw enrollment case of William B. Brown, et al, and recommended, in view of the opinion of the Attorney General dated February 19, 1907, in the Loula West and other cases, that his decision of August 13, 1906, be not approved, and that the schedules referred to be disapproved.

On March 1, 1907, the Department reversed the decision of the Commissioner so far as it was favorable to the applicants, and disapproved the schedules containing their names.

The Commissioner to the Five Civilized Tribes reports further that his office has no record of any favorable decision of the Department as to the persons included in this case.

It appears also that their names have never been placed upon any roll or schedule of citizens of the Choctaw Nation prepared by the Commissioner to the Five Civilized Tribes and approved by the Department.

The Office concurs in the view of the Commissioner to the Five Civilized Tribes that as the record in the case is a complete one, the applicants could add nothing material thereto at this time, and to have them appear at his office to give further testimony would only make additional expense for them and work a hardship without any benefits accruing therefrom.

On April 9, 1909, the Office requested the Commissioner to the Five Civilized Tribes to take no steps pending the preparation of his report concerning the enrollment case of William B. Brown, et al toward the issuance of a patent to any adverse party in interest to the lands occupied by the applicants in the above mentioned case. The Commissioner was also

requested to instruct the United States Indian Agent, at Union Agency, to suspend action, if any was contemplated, toward dispossessing the applicants of the lands occupied by them until further advised by the Department.

The Commissioner reports that no formal allotments were made to the persons included in the above case, but that applications were made in their behalf for certain lands which were involved in Chickasaw contest cases. The contests in behalf of these claimants were dismissed by the Commissioner to the Five Civilized Tribes, and on October 12, 1907, the Office held that the action of the Commissioner was proper, and recommended that he be advised that all applications for allotments in behalf of these persons should be denied.

This recommendation was approved by the Department on October 14, 1907. It appears from the report of the Commissioner to the Five Civilized Tribes that the lands in contest were awarded to the contestees and patents therefor were recorded and delivered to them. Title having passed to the contestees, the Department is now without authority to place or permit the applicants in the William B. Brown case to remain in possession of the lands covered by the patents issued to the contestees, even in the event of the Department rendereing a favorable decision relative to their enrollment.

The Commissioner reports that his office has no record of the applicants in the case mentioned holding or claiming possession of any other lands in the Choctaw or Chickasaw

L-31790--S

Nations, but says that if they are in occupancy of such other lands his office will, upon receipt of a description thereof, make a record of the claims pending further action by the Department.

The Office is of the opinion that the case of William E. Brown, et al., is not analagous to that of John B. Goldsby, and that it does not come within the principles announced by the Supreme Court of the United States in its decision of November 30, 1908, in that case (211 U. S. 249).

It is therefore recommended that the Department take no action looking to the enrollment of any of the applicants included in the consolidated case of William E. Brown et al.

The record in the case, and other papers pertaining thereto, are transmitted herewith for your further information.

Very respectfully,

E. C. Valentine,

Acting Commissioner.

WMS 11
891
WCP June 16, 1909 JWH
Approved:

Frank Pierce,

First Assistant Secretary. FWU.

Muskogee, Oklahoma, June 28, 1909.

Della May Scott,

Comanche, Oklahoma.

Madam:

You are hereby notified that on June 15, 1909, the Secretary of the Interior held that the Choctaw enrollment case of William B. Brown et al., with which your case was consolidated, was not analogous to that of John E. Goldsby (211 U. S. 249) and declined to take any action looking to the enrollment of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in said Goldsby case.

Respectfully,

WHA-EB.

Commissioner.

Choc. Minor 925

Sylvie Jewel Nichols

Aug 13, 1906 Granted.

March 1, 1907 Decision of Commissioner revised and schedule containing name of applicant disapproved by Dept.

March 1, 1909 Dept. requests report.

Apr 20, 1909 Report to Dept.

Jun 15, 1909 Dept. holds case is not analogous to Goldsby case and declines to take action looking to enrollment of applicant.

Jun 29, 1909 Parties notified.

925 M

Brown, now Madison (eleven years of age), Alice Brown (eight years of age), George Brown (five years of age) and Susie Brown (one year of age), as citizens by blood of the Choctaw Nation, and for the enrollment of Nancy Brown (thirty-six years of age) as a citizen by intermarriage of said nation; on September 8, 1899, for the enrollment of Eli V. Brown (twenty-eight years of age) as a citizen by intermarriage of the Choctaw Nation; on September 22, 1898, for the enrollment of Caswell M. Brown (thirty-four years of age), and his two minor children, Maudie (ten years of age) and Willie Brown (six years of age), as citizens by blood of the Choctaw Nation, and on October 18, 1898, for the enrollment of his wife, Amanda Brown (thirty-one years of age), as a citizen by intermarriage of said nation; on September 22, 1898, for the enrollment of Andrew J. Peck (thirty-two years of age) as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Polly A. Peck (thirty years of age), and his five minor children, Florence (nine years of age), Oscar (seven years of age), Benjamin G. (five years of age), Andrew (three years of age), and Otis Dewey Peck two months of age), as citizens by blood of said nation; on September 22, 1898, for the enrollment of George G. Brown (twenty-six years of age), and his minor daughter, Willie Emma Brown (three years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Sarah Brown (twenty-one years of age), as a citizen by intermarriage of said nation; on September 22, 1898, for the enrollment of James H. Nichols (forty-eight years of age), and his two minor children, Della May Nichols, now Smith (fourteen years of age), and Nancy V. Nichols (seven years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Nancy C. Nichols, (forty-two years of age), as a

citizens by intermarriage of said nation; on September 22, 1898 for the enrollment of John W. B. Nichols (twenty-four years of age) as a citizen by blood of the Choctaw Nation, and for the enrollment of his wife, Bessie Nichols (eighteen years of age), as a citizen by intermarriage of said nation; on September 22, 1898, for the enrollment of Erin E. Nichols (forty-four years of age), and his four minor children, James W. (eighteen years of age), Maggie E. (twelve years of age), Nettie Myrtle (eight years of age), and Leslie A. Nichols (four years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Amanda E. Nichols (thirty-eight years of age), as a citizen by intermarriage of said nation; and on September 26, 1898, for the enrollment of Ora Nichols (seventeen years of age) as a citizen by intermarriage of the Choctaw Nation.

Applications were subsequently mad e for the enrollment of the following minor applicants as citizens by blood of the Choctaw Nation: On January 28, 1902, for the enrollment of Mary Ethel McCarty (born December 8, 1901); on May 31, 1904, for the enrollment of William A. McCarty (born April 21, 1904) and Ollie McCarty (born February 14, 1904); on October 11, 1900, for the enrollment of William Brown Johnston (born June 28, 1900); on October 19, 1900, for the enrollment of Minnie Gertrude Brown (born August 11, 1900); on May 16, 1902, for the enrollment of Jennie C. Brown (born February 11, 1902); on April 29, 1902, for the enrollment of Oscar Lee Johnston (born November 14, 1902); on April 30, 1902, for the enrollment of Willie Clarence Brown (born April 6, 1902); on July 12, 1902, for the enrollment

citizenship in the Choctaw Nation of the applicants, Nancy A. Brown (as Nancy Alice Brown), Nettie McCarty (as Rebecca Elizabeth Brown), William H. Brown (as William Hiten Brown), Sarah Johnston (as Sarah Elizabeth Brown), Becky Brown (as Rebecca Catherine Brown), Mary Brown (as Mary Arrillia Brown), Mamie (or Minnie) Andrews (as Minnie Ann Brown), Alice Brown, George Brown (as George Montgomery Brown), Caswell H. Brown, Maudie Brown (as Maudy R. Brown), Willie Brown (as William G. Brown), Polly A. Peek (as Polly Ann Peek), Florence Peek (as Minnie F. Peek), Oscar Peek (as Oscar S. Peek), Benjamin Peek (as Benjamin G. Peek), Andrew Peek, George G. Brown, Willie Mae Brown, James D. Nichols (as James Bruten Nichols), Della May Scott (as Mary Della May Nichols), Nancy V. (Mamie Vilma Nichols), John W. R. Nichols (as John William Rothmel Nichols), Orin H. Nichols (as Orrin Mayberry Nichols) James V. Nichols (as James Willis Nichols), Maggie M. Nichols (as Maggie May Nichols), Nettie Myrtle Nichols, Lonie A. Nichols (as Lona Alta Nichols), as citizens by blood of said nation, and for the admission of William H. Brown, Nancy J. Brown (as Nancy Jane Brown), Amanda Brown, Andrew J. Peek (as A. J. Peek), Sarah Brown, Nancy C. Nichols (as Nancy Caroline Nichols), and Amanda M. Nichols (as Amanda Melvina Nichols), as citizens by intermarriage of said nation; and that on December 8, 1904, said Commission rendered its decision therein, denying the applications of the above named applicants for enrollment as citizens of the Choctaw Nation.

From the decision of said Commission an appeal was taken to the United States Court for the Southern District of Indian Territory, which court on December 27, 1907, in the case

entitled "Nancy J. Cooper, et al. vs. Cherokee Nation" (Southern District Citizenship Case No. 96), admitted Nancy A. Brown (as Nancy Alice Brown), Bettie McCarty (as Bettie Brown), Sarah Johnson (as Sarah Brown), Dooky Brown, Mary Brown, Mamie (or Minnie) Endsor (as Mamie Brown), Alice Brown, George Brown, Susie Brown, Caswell H. Brown (as Caswell Marion Brown), Mandie Brown, Willie Brown, Polly A. Peck (as Polly Ann Peck), Florence Peck, Oscar Peck, Benjamin Peck (as Benjamin Grant Peck), Andrew Peck, George C. Brown, Willie Emma Brown, James B. Nichols (as James Bruton Nichols), Della May Scott (as Dell May Nichols), Nancy V. Nichols (as Nancy Velmer Nichols), Orin M. Nichols (as Orin Mayberry Nichols), James V. Nichols (as James Willis Nichols), Maggie E. Nichols (as Maggie May Nichols), Hettie Myrtle Nichols (as Myrtle Nichols), and Lonie A. Nichols (as Lonie Alta Nichols), as citizens by blood of the Cherokee Nation, and William B. Brown (as William Bluford Brown), Andrew J. Peck(as Andrew Jackson Peck), and Nancy C. Nichols (as Nancy Caroline Nichols), as citizens by intermarriage of said nation, and denied the applications for the admission of Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, and Amanda M. Nichols (as Amanda Melvina Nichols), as citizens by intermarriage of the Cherokee Nation. The name of the applicant, Susie Brown, was interpolated in the judgment of said court, she not having been an applicant before the Commission to the Five Civilized Tribes in 1896.

On March 18, 1898, said case again came before said court upon a motion of the plaintiff's attorneys to correct the judgment of said court rendered December 28, 1897, and the court, thereupon, ordered said judgment corrected so as to admit the

applicants, Nancy J. Brown (as Nancy Jane Brown), Sarah Brown, Amanda M. Nichols (as Amanda Melvina Nichols), as citizens by intermarriage of the Choctaw Nation.

On September 26, 1898, said court rendered a supplemental judgment admitting Amanda Brown as a citizen by intermarriage of the Choctaw Nation.

On January 17, 1900, this cause again came before said court upon a motion of the defendant to strike out of the judgment theretofore rendered, certain names improperly admitted to citizenship, and said court being fully advised, ordered that the following names, Susie Brown, Andrew J. Peck as (Andrew Jackson Peck), Bettie McCarty (as Bettie Brown), and Becky Brown, be stricken from said former judgment.

Subsequently, upon the representation of the plaintiffs' attorneys that certain persons who were original applicants were by oversight or mistake left out of the original judgment there tofore rendered, the court ordered that the applicants, Nancy J. Brown (as Nancy Jane Brown,), Sarah Brown, Amanda Brown, Amanda M. Nichols and Rebecca E. Brown be admitted to citizenship in the Choctaw Nation.

It further appears from the records of said Commission that on December 17, 1906, the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Southern District of Indian Territory.

Thereafter, the record in the above case was certified to the Choctaw and Chickasaw Citizenship Court, for a trial de novo, which court, on November 29, 1904, in the case entitled, "William

Knighton Brown, et al. vs. Choctaw and Chickasaw Nations" (Choctaw Chickasaw Citizenship Court Case No. 73, Tishomingo Docket), "ordered, adjudged and decreed that the petition of the plaintiffs, William Knighton Brown (or William Knighton Brown), Caswell Marion Brown, Polly Ann Peck (nee Brown), George R. Brown (or George G. Brown), Nancy Ellis Brown (or Nancy Alice Brown), Sarah Brown, Mary Brown, Nonie Brown (or Mamie Brown), Alice Brown, George Brown, Mandie Brown (or Mandie Brown), Willie Brown, Florence Peck, Oscar Peck, Benjamin Grant Peck, Andrew Peck, William Emma Brown (or Willie Emma Brown), ... James Burton Nichols, (or James Bruton Nichols), Onay Mayberry Nichols (or Oria Mayberry Nichols), John William Beffle Nichols, Della May Nichols, Nancy Velmer Nichols, James Willis Nichols, Maggie May Nichols, Myrtle Nichols, Lonie Alta Nichols, ... William Buford Brown, Nancy Caroline Nichols, Rebecca M. Brown (or Becky Brown), Re becca C. Brown (or Rebecca Brown), Amanda Melvina Nichols, Amanda Brown, Nancy J. Brown (or Nancy Jane Brown), Sarah Brown, ... be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom."

On December 12, 1906, orders were entered of record by the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of Mary E. McCarty, William Erman Johnston, Minnie Gertrude Brown, Henry Niles Brown, Elbert Knightington Brown, Otis Dewey Peck, Virgie Peck, Louie Herman Nichols and Golda Ola Nichols as citizens by blood of the Choctaw Nation, and on March 18, 1908, an order was entered of record dismissing the application for the enrollment of Fannie C. Brown as a citizen by

blood of said nation. All of said applicants were dismissed for the reason that their parents through whom they claim their rights to enrollment as citizens by blood of the Choctaw Nation, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

On December 12, 1904, orders were entered of record by the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of Eli W. Brown, Bessie Nichols and Ona Nichols as citizens by intermarriage of the Choctaw Nation, for the reason that the persons through whom they claim their rights had also been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

On March 30, 1905, the Commission to the Five Civilized Tribes denied the application for the enrollment of Susie Brown as a citizen by blood of the Choctaw Nation, and on April 6, 1906 (I.T.D. 3810-1905), the Department set aside said decision of the Commission and returned the record to this office for a full investigation upon its merits.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes of January 8, 1906, there was filed on February 6, 1906, by Cruce, Cruce and Bleakmore, of Ardmore, Indian Territory, attorneys for the petitioners, petitions praying that William H. Brown, Nancy A Brown, Minnie Hudson, Sarah Johnston, Oscar Lee Johnston, William Erman Johnston, Rebecca Brown, Minnie Gertrude Brown, Henry Niten Brown, Rubie Dill Brown, Eli W. Brown, Mary A. Johnston, Roy Lester Johnston, Dema A. Johnston, Rebecca McCarty, William A. McCarty, Mary E. McCarty, William W. Brown, Nancy Jane Brown, George Brown, Alice Brown, Susie Brown, Cletus Brown, Clarence Brown, A. J. Peck, Polly Ann Peck, Minnie Peck, Oscar Sherman Peck, Benjamin Grant Peck, Andrew Peck, O. D. Peck,

Virgie Peck, Preible Peck, S. M. Brown, Amanday Brown, Mandy Brown, William Brown, Elbert K. Brown, Annie Jewel Brown, George S. Brown, Sarah Brown, Willie Emma Brown, Cammie Brown, Goldie Brown, J. B. Nichols, Nancy Nichols, Selma Nichols, John W. B. Nichols, Bessie Deaton Nichols, Louie Herman Nichols, Golda Eula Nichols, Silva Jewel Nichols, Della May Scott, Nema Scott, Orin M. Nichols, Amanda Nichols, Myrtle Nichols, Lonie Nichols, James W. Nichols, Osa Nichols, Cora Lee Nichols and Maggie Angel be enrolled as citizens of the Choctaw Nation.

All of the above petitioners, with the exception of Ollie McCarty, Lita Lois Scott, Daphne Myrtle Nichols and Teddy Golden Johnston, are identical with the applicants for whom application has been made for enrollment as citizens of the Choctaw Nation.

On April 16, 1906, the principal petitioners, their attorneys, Cruce, Cruce & Nicolmore, of Ardmore, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, of South McAlester, Indian Territory, were advised that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday, May 14, 1906, at nine o'clock A.M., hear such testimony and receive such other evidence as might be submitted by the petitioners in support of their applications for enrollment as citizens of the Choctaw Nation, and by the attorneys for the Choctaw and Chickasaw Nations.

On April 16, 1906, William M. Brown, father of Susie Brown, Cruce, Cruce & Nicolmore, attorneys for said Susie Brown, and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, were advised that on April 6, 1906, the Department set aside the decision rendered by the Commission on March 20, 1906, and returned the record in said case with in-

structions that a full investigation be made of the rights of said Susie Brown to enrollment as a citizen by blood of the Choctaw Nation; that the testimony of creditable witnesses be required showing her Choctaw blood, if any, the time and place of her birth, her various residences, her ancestors, the privileges, if any, enjoyed by her and her parents as citizens of the Choctaw Nation; and notified that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday, May 14, 1906, at nine o'clock A.M., hear such testimony and receive such other evidence as might be submitted in support of said application, investigation to be conducted along the lines indicated by Department letter above referred to.

On motion of Attorney for applicants, the hearing in the matter of the above application was continued on April 26, 1906, to May 21, 1906.

On May 21, 1906, proceedings were had in the matter of said applications in pursuance to the notices above mentioned.

It appears from the record herein that the applicants, William W. Brown, Caswell M. Brown, Polly Ann Peek, George G. Brown, Nancy A. Brown and Nettie McCarty, are the children of the principal applicant, William B. Brown, and Rebecca Cooper (now deceased), who is alleged to have been a Choctaw Indian, and the daughter of William Cooper, who was the son of Johnny Cooper, an alleged Choctaw Indian, who resided near the line between the states of Tennessee and Mississippi; that Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie) Madison, Alice Brown, George Brown, Susie Brown, Fannie C. Brown and Willie Clarence Brown, are the children of the applicants

William N. Brown and Nancy J. Brown, (the latter an applicant for intermarried rights); that William Erman, Oscar Lee and Teddy Golden Johnston are the children of the applicant, Sarah Johnston, and J. A. Johnston, a non-citizen; that Minnie Gertrude, Henry Witen and Rubie Dill Brown are the children of the applicants, Becky Brown and Eli W. Brown, (the latter an applicant for intermarried rights); that Roy Lester and Edna Arvel Johnston are the children of the applicant, Mary Johnston, and Jace J. Johnston, a non-citizen; that Maudie, Willie, Elbert Knightington, and Annie Jewell Brown are the children of the applicant, Caswell W. Brown and Amanda Brown (the latter an applicant for intermarried rights); that Florence, Oscar, Benjamin, Andrew, Otis Dewey Virgie and Prebble peck are the children of the applicant, Polly Ann Peck and Andrew J. Peck (the latter an applicant for intermarried rights); that Willie Emma, Cassie and Goldie Brown are the children of the applicants, George G. Brown and Sarah Brown (the latter an applicant for intermarried rights); that Mary Ethel, William A. and Ollie McCarty are the children of the applicant, Nettie McCarty, and Oliver McCarty, a non-citizen; that James B. Nichols and Grin M. Nichols are the children of Wilson Nichols (now deceased), a non-citizen, and Delitha Cooper (now deceased), who is alleged to have been a Choctaw Indian and the daughter of John Cooper, above referred to; that John W. B. Nichols, Della May Scott and Nancy V. Nichols are the children of the applicant, James B. Nichols and Nancy G. Nichols (the latter an applicant for intermarried rights); that Louie Herman, Golda Ula and Sylvie Jewel Nichols are the children of the applicant, John W. B. Nichols and Bessie Nichols (the latter an applicant for

intermarried rights); that Nema May and Lita Lois Scott are the children of the applicant, Della May Scott, and Burris Scott, a non-citizen; that James W., Maggie M., Mettie Myrtle and Lonie A. Nichols are the children of the applicant, Orin M. Nichols and Amanda M. Nichols (the latter an applicant for intermarried rights); and that the application, Cora Lee and Daphne Myrtle Nichols, are the children of the applicants, James W. Nichols and Osa Nichols (the latter an applicant for intermarried rights).

The applicant, William B. Brown, claims his right to citizenship in the Choctaw Nation by the virtue of his marriage on February 10, 1858, under the laws of the state of Arkansas, to Becky Cooper (now deceased); that Nancy Brown claims her right to enrollment as a citizen by intermarriage by virtue of her marriage to the applicant, William B. Brown, on September 21, 1879; that Eli W. Brown claims his right to enrollment as a citizen by intermarriage by virtue of his marriage on August 21, 1899, under the laws, customs and usages of the Chickasaw Nation to the applicant, Becky Brown, both of said applicants being at said time residents in good faith of the Chickasaw Nation; that Amanda Brown claims her right to enrollment as a citizen by intermarriage by virtue of her marriage on December 2, 1886, to the applicant, Caswell M. Brown; that Andrew J. Peck claims his right to enrollment as a citizen by intermarriage by virtue of his marriage on December 25, 1887, under the laws of the state of Arkansas to the applicant, Polly A. Peck; that Sarah Brown claims her right to enrollment as a citizen by intermarriage by virtue of her marriage to George G. Brown on June 9, 1895; that the applicant, Nancy C. Nichols claims her right to enrollment as a citizen by intermarriage by virtue of her marriage to the applicant, James B.

Nichols, on March 9, 1873; that the applicant, Bessie Nichols, claims her right to enrollment as a citizen by intermarriage by virtue of her marriage on September 11, 1898, to the applicant, John W. H. Nichols; that Amanda M. Nichols claims her right to enrollment as a citizen by intermarriage by virtue of her marriage on October 20, 1878, to the applicant, Orin M. Nichols; and that Ona Nichols claims her right to enrollment as a citizen by intermarriage by virtue of her marriage on April 27, 1899, to the applicant, James W. Nichols.

It does not appear from the record herein or from the records in the possession of this office that the applicant, Andrew J. Peck, has ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, nor has said applicant ever been married to Polly Ann Peck, through whom he claims his intermarried rights, by virtue of a license issued by the tribal authorities of either the Choctaw or Chickasaw Nation.

At the hearing before the Commissioner to the Five Civilized Tribes on May 21, 1906, William H. Brown, Caswell M. Brown, James R. Nichols and Orin M. Nichols testified that in 1894, they, together with the other applicants herein who were living at said time, petitioned the Choctaw Council for admission as citizens of the Choctaw Nation; that no action having been taken thereon, they, in 1896, appeared before the Choctaw Census Commission and made application to be enrolled upon the 1896 Choctaw Census Roll; and that some time in January, 1897, they received a certificate from the Secretary of the Choctaw Revisory Board, wherein it appeared that they had been enrolled upon the 1896 Choctaw Census Roll. Said applicants further testified

that prior to 1896 they had been permitted to issue permits for their tenants, hold lands, and were not subject to any tribal tax which was due from all non-citizens who were engaged in the mercantile business.

On June 4, 1906, John H. Gamblin testified that he was acquainted with the applicants herein, and that in October 1894, he having business before the Choctaw Council, presented on behalf of the applicants herein who were living at that time, a petition praying that they be admitted as citizens of the Choctaw Nation, and that he does not know what action, if any, was ever taken thereon.

Upon an examination of the tribal rolls of the Choctaw Nation in the possession of this office, it appears that the applicants, William B. Brown, William M. Brown, Nancy J. Brown, Caswell M. Brown, Amanda Brown, Polly Ann Peak, Andrew J. Peck, George G. Brown, Sarah Brown, Nancy A. Brown, Bettie McCarty, Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie) Hudson, Alice Brown, George Brown, Susie Brown, Maudie Brown, Willie Brown, Florence Peak, Oscar Peck, Benjamin Peck, Andrew Peck, James B. Nichols, Nancy C. Nichols, Orin M. Nichols, Amanda M. Nichols, John W. M. Nichols, Della May Scott, Nancy V. Nichols, James W. Nichols, Maggie M. Nichols, Mattie Myrtle Nichols and Lonie A. Nichols, are identified upon the 1896 Choctaw Census Rolls opposite Numbers 1688, 1691, 1692, 1701, 1702, 10518, 10517, 1705, 1706, 1689, 1690, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1703, 1704, 10519, 10520, 10521, 10522, 9803, 9808, 9812, 9813, 9809, 9810, 9811, 9814, 9815, 9816, and 9817, respectively.

It further appears from the record herein that all of

the applicants, that were living on June 2[illegible], 1898, were residents in good faith of the Indian Territory on said date.

The evidence in this case further shows that the applicant, Daphne Myrtle Nichols, died on June 27, 1901.

I am of the opinion that in accordance with the opinions of the Assistant Attorney General for the Department of the Interior of February 10, 1905 (I.T.D. 10353-1904), and December 8, 1905 (I.T.D. 3693-1905), in the case of Lula West, the action of the Commission to the Five Civilized Tribes, and the subsequent action of the United States Court for the Southern District of Indian Territory, and the Choctaw and Chickasaw Citizenship Court, upon the right of the applicants who applied to the Commission to the Five Civilized Tribes in 1896, with the exception of Andrew J. Peck, was without authority of law, and of no force and effect upon the status of said applicants as citizens of the Choctaw Nation.

I am further of the opinion that the orders of the Commission to the Five Civilized Tribes of December 12, 1904 and March 18, 1905, dismissing the applications for the enrollment of Mary E. McCarty, William Erman Johnston, Minnie Gertrude Brown, Fannie C. Brown, Henry Hiten Brown, Hibert Knightington Brown, Otis Dewey Peck, Virgie Peck, Louis Herman Nichols and Celda Ula Nichols as citizens by blood of the Choctaw Nation, and Eli W. Brown, Bessie Nichols and Osa Nichols as citizens by intermarriage of the Choctaw Nation, should be rescinded.

I am further of the opinion that in accordance with the opinions of the Assistant Attorney General for the Department of the Interior of March 3, 1908 (I.T.D. 187-1908) and March 10,

1906 (I.T.D. 9969-1905), Nancy A. Brown, Bettie McCarty, Mary Ethel McCarty, William N. Brown, Sarah Johnston, Becky Brown, Mary Johnston, Mamie (or Minnie) Hudson, Alice Brown, George Brown, Susie Brown, William Erman Johnston, Minnie Gertrude Brown, Henry Niten Brown, Fannie C. Brown, Caswell W. Brown, Maudie Brown, Willie Brown, Elbert Knightington Brown, Polly A. Peck, Florence Peck, Oscar Peck, Benjamin Peck, Andrew Peck, Otis Dewey Peck, Virgie Puck, George G. Brown, Willie Emma Brown, James B. Nichols, Della May Scott, Nancy V. Nichols, John W. B. Nichols, Louie Herman Nichols, Golda Ula Nichols, Oran M. Nichols, James V. Nichols, Maggie M. Nichols, Nettie Myrtle Nichols and Lonie A. Nichols should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that William R. Brown, Nancy Brown, Eli W. Brown, Amanda Brown, Sarah Brown, Nancy C. Nichols, Bessie Nichols, Amanda M. Nichols and Osa Nichols should be enrolled as citizens by intermarriage of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the application made for the enrollment of Andrew J. Peck as a citizen by intermarriage of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

I am further of the opinion that William A. McCarty, Ollie McCarty, Oscar Lee Johnston, Willie Clarence Brown, Roy

Muskogee, Oklahoma, June 29, 1909.

Mr. John W. B. Nichols,

Comanche, Oklahoma.

Sir:

You are hereby notified that on June 15, 1909, the Secretary of the Interior held that the Choctaw enrollment case of William B. Brown et al., with which your case was consolidated, was not analogous to that of John E. Goldsby (211 U. S. 249), and declined to take any action looking to the enrollment of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in said Goldsby case.

Respectfully,

WHA-EB. Commissioner.

Choc. Minor 926

Cora Lee Nichols

M926

Aug 13, 1906 Granted.

March 1, 1907 Decision of commissioner revised and schedule containing name of this applicant disapproved by Dept. See preceding jacket for copy of decision.

Mar 1, 1909 Dept. requests reports.

Apr 15, 1909 Dept. holds case is analogous to Goldsby case and declines to take action looking to enrollment of applicant.

Jun 29, 1909 Parties notified.

7-5061

Muskogee, Indian Territory, April 26, 1905.

James W. Nicholas,

Comanche, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Osa Nicholas and J. M. Linzy to the birth of Cora Lee Nicholas, daughter of James W. and Osa Nicholas, November 6, 1902.

It appears from our records that on November 9, 1904, the Choctaw and Chickasaw Citizenship Court denied the citizenship in the Choctaw Nation of James W. Nicholas, in case No. 73 upon the Tishomingo docket.

Under the provisions of the act of Congress approved March 3, 1905, the Commission is authorized to receive applications for the enrollment of children born to citizens by blood of the Choctaw and Chickasaw Nations whose enrollment had prior to that date been approved by the Secretary of the Interior. You will, therefore, see that the Commission is without authority to enroll your child.

Respectfully,

Chairman.

7-D-509
7-8061

Muskogee, Indian Territory, June 16, 1906.

James W. Nichols,

Comanche, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Osa Nichols and J. H. Linzy to the birth of Cora Lee Nichols, child of James W. and Osa Nichols, November 6, 1902.

Respectfully,

Commissioner.

Muskogee, Oklahoma, June 29, 1909.

James W. Nichols,

Comanche, Oklahoma.

Sir:

You are hereby notified that on June 15, 1909, the Secretary of the Interior held that the Choctaw enrollment case of William B. Brown et al., with which your case was consolidated, was not analogous to that of John E. Goldsby (211 U. S. 249) and declined to take any action looking to the enrollment of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in said Goldsby case.

Respectfully,

WHA-KB. Commissioner.

Choc. Minor 927
Josephine Sockey

M927

NEW BORN 927 ✓

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Josephine Sockey

as a citizen of

CHOCTAW Nation.

Approved FEB 11 1907 190...

Commissioner.

Born Jan. 16 1906

ACT OF CONGRESS APPROVED APRIL 26, 1906.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

AUG 13 1906

COMMISSIONER.

CHOCTAW

NB 927

RECEIVED
JUL 23 1906

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Josephine Sockey (Here insert name of child), born on the 16 day of January 1906.

Name of Father: Robert Sockey a citizen of the Choctaw Nation.

Name of Mother: Rhoda Sockey a citizen of the Choctaw Nation.

Tribal enrollment of father 5488 Tribal enrollment of mother 6106

Postoffice Talihina I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, Central District.

I, Rhoda Sockey on oath state that I am about 34 years of age and a citizen by blood, of the Choctaw Nation; that I am the lawful wife of Robert Sockey, who is a citizen, by blood, of the Choctaw Nation; that a Female child was born to me on 16th day of January 1906, i.....: that said child has been named Josephine Sockey and was living March 4, 1906.

Rhoda X Sockey
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { D. S. Noah
Melvina Bacon

Subscribed and sworn to before me this 21st day of July 1906.

Jno. J. Thomas
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, Central District.

I, Robert Sockey, husband of Rhoda Sockey, white, on oath state that I attended on Rhoda Sockey, wife of Robert Sockey on the 16th day of January 1906; that there was born to her on said date a Female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named .....

Robert Sockey

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 21st day of July 1906.

Jno. J. Thomas
Notary Public

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

. . . . . .

as a citizen of

. . . . . Nation.

Approved. . . . . 190. . .

. . . . . .

Commissioner.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the .....Nation,

of ..... [Here insert name of child], born on the .....day of .....

Name of Father: .....a citizen of the .....Nation.

Name of Mother: .....a citizen of the .....Nation.

Tribal enrollment of father..... Tribal enrollment of mother.....

Postoffice Tenox, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Mary James, on oath state that I am about 30 years of age and a citizen by blood, of the Choctaw Nation; that I am the lawful wife of Robert Jockry Rhoda Jockry, who is a citizen, by blood of the Choctaw Nation; that a female child was born to me on the 16th day of January, 1906.; that said child has been named Josephine Jockey and was living March 4, 1906. I further state that I have no interest in the enrollment of this child other than that of a mother.

Mary X James
her mark

WITNESSES TO MARK:

[Must be Two Witnesses] { John W. Woods
Julius Billy }

Subscribed and sworn to before me this 4th day of February 1907.

J. L. Gary
Notary Public.

Talihina, I.T.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Mustey Williams, a acquaintance, on oath state that I know Rhoda Jockey wife of Robert Jockey on the 16th day of January, 1906, that there was born to her on said date a female child; that said child was living March 4, 1906, and is said to have been named Josephine Jockey I further swear that I have no relation to Rhoda Jockey and have no interest in the enrollment of the child other than that of a friend.

Mustey X Williams
her mark

WITNESSES TO MARK:

[Must be Two Witnesses] { John W. Woods
Julius Billy }

Subscribed and sworn to before me this 4th day of February 1907.

J. L. Gary
Notary Public.

Commissioner.

23-927

Muskogee, Indian Territory, April 27, 1907.

Thomas, Lumsford & Andersen,

Talihina, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of April 20, 1907, in which you ask regarding the approval of the enrollment of Josephine Sockey, child of Rhoda and Robert Sockey; you also state that Robert Sockey requests that his deed and the deeds for the other members of his family be sent to him at Talihina.

In reply to your letter you are advised that on March 1, 1907, the Secretary of the Interior approved the enrollment of Josephine Sockey, child of Rhoda and Robert Sockey, as a minor citizen of the Choctaw Nation.

The matter of the deeds referred to will be made the subject of a separate communication.

Respectfully,

Commissioner.

JNO. J. THOMAS,
NOTARY PUBLIC.

T. [illegible] LUNSFORD,
LAWYER.

THOMAS & LUNSFORD,

TALIHINA, IND. TER.

July 21st 1906.

Mr Lacey P BOBO, with
Commissioner to the Five Civilized Tribes,

Muskogee Ind Ter.

Dear Sirs;-

We hand you, herewith, the application of Rhoda Sockey, attended by her husband Robert Sockey, at the birth of Josephine Sockey, born January 16th 1906. You will take notice their Roll No, is shown entered in a pencil, this is due to the fact that we were not clear as to the dates numbers, they not having their certificates with them, having t to depend upon a former Notary record for their enrollment number, so if it is not right advise us. Again there is no affidavit of an uninterested party attached, as to the birth of this child, which they have agreed to furnish and this will be done later. If any additional correspondance becomes necessary you may address our firm, who has their matter of enrollment for attention, and it shall have prompt attention.

Very truly

Thomas & Lunsford.

Per Thomas

Dictated
JJT/AMT.

Choc. Minor 928
Dora Tochuffe

Transferred to 23-1236 Jan. 22, 1907.

M928

928

Choctaw MINOR
(act April 26 1906)

Dora Tochutte

Transferred to 23-1236
Jan 23


EMPTY

Choc. Minor 929

Leo Lester Brashears

Floyd Lafayette "

Alby Fred "

D.P.

M929

Refused Jan 26, 1907.

Copy of decision forwarded applicant Jan 26, 1907.

Copy of decision forwarded attorney for applicant Jan 26, 1907.

Copy of decision forwarded attorneys for Choc. and Chick. Nations Jan 26, 1907.

Record forwarded Dept. Jan 26, 1907.

Decision in 7-D-195.

Action approved by Secretary of Int. Mar 4, 1907.

Notice of Dept. action forwarded attorneys for Choc. and Chick. Nations Apr. 18, 1907.

Nature of Dept. action forwarded attorneys for applicant Apr. 18, 1907.

Notice of Dept. action mailed applicant Apr. 18, 1907.

EMPTY

Choc. Minor 930
Frank Bynum

Refused Jan 28, 1907.
Copy of decision forwarded applicant Jan 28, 1907.
Copy of decision forwarded attorneys for Choc. and Chick. Nations Jan 28, 1907.
Record forwarded Dept. Jan 28, 1907.
Action approved by Secretary of Interior Mar 1, 1907.
Notice of Dept. action forwarded attorneys for Choc. and Chick. Nations Mar 29, 1907.
Notice of Dept. action mailed applicant Mar 29, 1907.

M930

23-990

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Frank Bynum

as a citizen of

Choctaw Nation.

Approved..... 190...

.....

Commissioner.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Frank Bynum (Here insert name of child) born on the 23 day of Nov 1902

Name of Father: W.W. Flourchum a citizen of the Choctaw Nation.

Name of Mother: Eva C. Perry a citizen of the Choctaw Nation.

Tribal enrollment of father Final Roll Tribal enrollment of mother

Postoffice Eva C Perry Calvin I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Eva C. Perry, on oath state that I am Twenty Five years of age and a citizen by Intermarriage of the Choctaw (1903) Nation; that I am the lawful wife of C.C. Perry (divorced), who is a citizen, by Blood of the Choctaw Nation; that a Male (Male or Female) child was born to me on 23 day of November 1902; that said child has been named Frank Bynum and was living March 4, 1906.

Eva C. Perry

WITNESSES TO MARK:

[Must be Two Witnesses] { W.J. Hamilton
F Swinhart

SEAL

Subscribed and sworn to before me this 20 day of July 1906.

H B Harrell
Notary Public.

My commission exp June 9/1910

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, ..., a ..., on oath state that I attended on Eva C. Perry nee Bynum wife of Not married at the time on the 23 day of November, 1902; that there was born to her on said date a male (Male or Female) child; that said child was living March 4, 1906, and is said to have been named Frank Bynum.

her
Mrs M A Truett
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { W J Hamilton
I Swinhart

SEAL

Subscribed and sworn to before me this 20 day of July 1906.

my commission exp Jun 9/1910

H B Harrell
Notary Public.

DEPARTMENT OF THE INTERIRO.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Calvin, Indian Territory, January 14, 1907.

In the matter of the application for enrollment of Frank Bynum, (23-930)

Eva C. Perry, being first duly sworn and examined, testifies as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A Eva C. Perry.
Q How old are you? A Twenty-six.
Q Did you ever make application for the enrollment of a child of yours as a citizen of the Choctaw Nation? A Yes, sir.
Q What was the name of this child? A Frank Bynum.
Q You are the mother of this child, are you? A Yes, sir.
Q What is his father's name? A W. W. Flinchum.
Q Was you ever legally married to W. W. Flinchum? A No, sir.
Q Did you and W. W. Flinchum ever live together? A Yes, sir.
Q At what time did you live together; that is, begining with what time and when did you cease to live together? A From January until June.
Q What year? A 1902.
Q Were you ever legally married to any person? A Yes, sir.
Q What was the name of this person? A C. C. Perry.
Q When were youmarried to C. C. Perry? A In 1904.
Q Is C. C. Perry now your husband? A No, sir.
Q Is C. C. Perry dead or were you divorced from him? A I was divorced from him.
Q When was this divorce procured? A In 1906.
Q Have you ever been married to any other person besides this C. C. Perry? A No, sir.
Q Is this child of yours, Frank Bynum now living? A Yes, sir.
Q When was this child born? A November 23, 1902.
Q Does W. W. Flinchum recognize this child as his own? A He does.
Q Where is W. W. Flinchum now? A Fort Leavenworth, Kansas.
Q What is he doing in Fort Leavenworth? A He is a prisoner in the United States Penitentiary.
Q W. W. Flinchum then has recognized this child as his own?
A Yes, sir.

(Witness excused)

I, Fay E. Blachert, upon oath, state that I reported the proceedings in the above and foregoing cause and that the same is a true and correct transcript of my stenographic notes taken therein.

Fay E. Blachert

Subscribed and sworn to before me this 14th day of January, 1907.

Richard Shanafelt

Clerk Choctaw

23-930
O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Frank Bynum as a citizen by blood of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein that on July 25, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Frank Bynum as a citizen by blood of the Choctaw Nation.

It further appears from the record herein and from the records in the possession of this office that said applicant was born November 23, 1902, and is the illegitimate son of Eva C. Perry, a non-citizen, and W. W. Flinchum whose name as William Flinchum, appears as No. 13536 upon the final roll of citizens by blood of the Choctaw Nation.

Section two of the Act of Congress approved April 26, 1906 (34 Stats., 137), provides:

> "That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof, and for the purpose of enrollment under this section illegitimate children shall take the status of the mother, and allotments shall be made to children so enrolled".

I am, therefore, of the opinion that the application for the enrollment of Frank Bynum as a citizen by blood of the Choctaw Nation, should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,
JAN 28 1907

23-930

COPY

Muskogee, Indian Territory, January 28, 1907.

Eva C. Perry,

Calvin, Indian Territory.

Dear Madam:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 28, 1907, denying the application for the enrollment of Frank Bynum as a citizen by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.
23-930.

25-930

COPY

Muskogee, Indian Territory, January 28, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 28, 1907, denying the application for the enrollment of Frank Bynum as a citizen by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

25-930.

COPY

Muskogee, Indian Territory, January 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Frank Bynum as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 26, 1907, denying said application.

Respectfully,

SIGNED Tams Bixby

Commissioner.

23-930.

Through the
Commissioner of Indian Affairs.

J.P.

LRS FHL

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

DC-12435-1907
I.T.D.4974,4980,4988,4998,5006-07.
5016,5084,5182,5198,5478- "
5518,5534,5536,5538,5542- "
5544,5552, - "

March 1, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw enrollment cases adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
Dora Anderson (or Tocubbe)	February 9, 1907
Mattie Evans, et al.,	January 16, 1907
Marvin R. Stanphill and Ada M. Stanphill	January 9, 1907
Eula Gladys Beach,	January 16, 1907
John Keaton et al.,	January 18, 1907
Okla Vivian Bolling,	December 1, 1906
Edward Naifeh,	December 1, 1906
Robert Lee Nolan, et al., (Freedmen)	February 9, 1907
Harvey Stover and Hazel Stover,	January 8, 1907
Mary Ransom, (Freedman)	[illegible]
Frank Bynum,	January 28, 1907
Ira T. Brown,	January 10, 1907
Richard Colbert, (Freedman)	February 9, 1907
Mattie Alice and Wm. Robert Strickland,	January 4, 1907
Monty Sanders,	December 1, 1906
Emeline G. Adams, et al ., (Miss. Choc.)	January 25, 1907
Jesse Bollinger, et al.,	December 24, 1906

Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed, are inclosed.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

17 inc. and 34 for Ind. Of .

AWC
2-1-07

-Copy-

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

DC-12435-1907
Land
10187-1907.

February 25, 1907

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a record of the proceedings in the matter of the application for the enrollment of Frank Bynum as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes dated January 28, 1907, adverse to the applicant.

The record shows that on July 25, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Frank Bynum as a citizen of the Choctaw Nation. The record further shows that the applicant was born February 28, 1902, and is the illegitimate son of Eva C. Perry, a non-citizen, and W. W. Flinchum, whose name as William Flinchum, appears on the final roll of citizens by blood of the Choctaw Nation.

By reason of the provisions of Section 2 of the Act of April 26, 1906 (34 Stat. L., 137), the Office concurs in the decision of Commissioner Bixby denying the enrollment of Frank Bynum as a citizen of the Choctaw Nation.

Very respectfully,

C.P. Larrabee,

Acting Commissioner.

EBM-W

23-930

Muskogee, Indian Territory, March 29, 1907.

Eva C. Perry,

Calvin, Indian Territory,

Dear Madam:

You are hereby advised that on March 1, 1907, the Secretary of the Interior affirmed the decision of this office of January 28, 1907, denying the application for the enrollment of Frank Bynum as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

23-930

Muskogee, Indian Territory, March 29, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on March 1, 1907, the Secretary of the Interior affirmed the decision of this office of January 28, 1907, denying the application for the enrollment of Frank Bynum as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Gilmore

Acting Commissioner.

Choc. Minor 931

Blanche Wilson

Granted Feb 25, 1907.

M931

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as a citizen by blood of the Choctaw Nation of . . . . . .

BLANCHE WILSON.....23-931.

NEW BORN #931

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Blanche Wilson

as a citizen of

Choctaw Nation.

Approved ..... 190...

.....

Commissioner.

Enr Jan. 25 1906

OF THE INTERIOR

AUG 28 1906

Choctaw

RECEIVED.
July 25 1906

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Blanche Wilson [Here insert name of child], born on the 25th day of January 1906.

Name of Father: Eddie Wilson a citizen of the Choctaw Nation.

Name of Mother: Sarah Wilson nee Shields a citizen of the Choctaw Nation.

Tribal enrollment of father Freedman Tribal enrollment of mother Choctaw By Blood

Postoffice Atoka Ind' Territory

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, Central District.

I, Sarah Wilson nee Shields on oath state that I am 22 years of age and a citizen by blood of the Choctaw Nation; that I am the lawful wife of Eddie Wilson who is a citizen, by adoption a Freedman, of the Choctaw Nation; that a Female [Male or Female] child was born to me on 25th day of January 1906.; that said child has been named Blanche Wilson and was living March 4, 1906.

Sarah x Wilson nee Shields
her mark

WITNESSES TO MARK:

[Must be Two Witnesses] C. B. Weeks

E. H. Newman

Subscribed and sworn to before me this 18th day of May 1906.

My Comm Expires 5th Feby 1907

E. H. Newman
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, ... District.

I, ..., a....., on oath state that I attended on ....., wife of .....

on the .....day of....., 1....., that there was born to her on said date a..... [Male or Female] child; that said child was living March 4, 1906, and is said to have been named .....

.....

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this.....day of..... 1906.

.....
Notary Public.

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Beccy Wilson

as a citizen of

Choctaw Nation.

Approved ..... 190...

.....

Commissioner.

BIRTH AFFIDAVIT. 1906

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Beecy Wilson, born on the 25th day of February 1906,
[Here insert name of child]

Name of Father: Eddie Wilson a ~~citizen~~ Freedman of the Choctaw Nation.

Name of Mother: Sarah Wilson a citizen of the Choctaw Nation.

Tribal enrollment of father Choc. Freedman Tribal enrollment of mother Choc. by Blood

Postoffice Atoka, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Sarah Wilson, on oath state that I am 22 years of age and a citizen by Blood of the Choctaw Nation; that I am the lawful wife of Eddie Wilson, who is a ~~citizen, by~~ Freedman, of the Choctaw Nation; that a female child was born to me on the 25th day of February 1906; that said child has been named Beecy Wilson, and was living March 4, 1906.
[Male or Female]

her
Sarah X Wilson
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { A. L. Irvine
Ed Wilson

Subscribed and sworn to before me this 20th day of February 1906

W. F. Angell
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Nancy Shields, a midwife on oath state that I attended on Sarah Wilson, wife of Eddie Wilson, on the 25th day of Feby, 1906; that there was born to her on said date a female child; that said child was living March 4, 1906, and is said to have been named Beecy Wilson
[Male or Female]

her
Nancy X Shields
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { A. L. Irvine
Ed Wilson

Subscribed and sworn to before me this 20th day of February 1906

W. F. Angell
Notary Public.

DEPARTMENT OF THE INTERIOR,
Commissioner to the Five Civilized Tribes,
CHOCTAW LAND OFFICE.

Atoka, Indian Territory, February 20, 1906.

IN THE MATTER OF THE APPLICATION FOR THE ENROLLMENT of BECCY WILSON as a citizen by blood of the Choctaw Nation, under an Act of Congress of April 26, 1906.

::: ::: ::: ::: :::

SARAH WILSON, being duly sworn, testifies as follows:

By the Commissioner:

Q. What is your name? A Sarah Wilson.
Q How old are you? A Twenty-two years old.
Q What is your post office address? A Atoka.
Q Did you appear before N. A. Newman, a notary public, on the 18th day of May, 1906, and make affidavit relative to the birth of Blanche Wilson? A Yes, sir.
Q You stated in that affidavit that Blanche Wilson was born on the 25th of January, 1906: is that correct? A I didn't say it was born in January: it was in February.
Q You gave the name of the child as Blanche Wilson: is that the same child as Beccy Wilson, for whom you have just made a new affidavit? A Yes, sir.
Q Beccy Wilson and Blanche Wilson, then, are one and the same person? A Yes, sir.
Q You made a mistake when you appeared before Mr. Newman on the 18th day of May, 1906, and gave the name as Blanche Wilson and the date of the birth as January 25, 1906?-- [illegible] A Yes, sir.
Q How did you happen to give in the name of the child as Blanche Wilson at that time? A I didn't give him the name.
Q What name did you give in? A Ed. told him the name: I never told him the name.

Witness Excused.

EDDIE WILSON, being duly sworn, testifies as follows:

By the Commissioner:

Q What is your name? A Eddie Wilson.
Q How old are you? A Twenty-three years old.
Q What is your post office address? A Atoka.
Q Have you a daughter by the name of Beccy Wilson? A Yes, sir.
Q It appears that on May 18, 1906, your wife, Sarah Wilson, appeared before N. A. Newman, a notary public, and made affidavit as to the matter of the birth of Blanche Wilson, and in that affidavit stated

that Blanche Wilson was born on the 25th day of January, 1906: was there a mistake made in giving in the date of the birth of that child? A Yes, sir.
Q What was the correct date of the birth of that child?
A The 25th of February, 1906.
Q Was there also a mistake made in giving in the name as Blanche Wilson? A Yes, sir.
Q What is the correct name of this child? A Beccy Wilson.
Q Beccy Wilson and Blanche Wilson are one and the same? A Yes, sir.
Q About how old is the child now? A It will be a year old the 25th of this month.
Q Did you have a child born somewhere in 1904 or 1905? A In 1904.
Q What is the name of that child? A Annie Wilson.
Q Is that child living? A No; it is dead.
Q When did that child die? A 1905,- in March.
Q On what day in March? A The 16th.
Q Have you filed for that child? A Yes, sir.
Q Was Annie Wilson a full sister of Beccy Wilson? A Yes, sir.
Q Who is the mother of Beccy Wilson? A Sarah Wilson.
Q Are you the father of Beccy Wilson? A Yes, sir.

Witness Excused.

JACK SHIELDS, being duly sworn, testifies as follows:

By the Commissioner:
Q What is your name? A Jack Shields.
Q How old are you? A Thirty-nine years old.
Q What is your post office? A Stringtown.
Q Do you know Beccy Wilson, for whom application has been made for enrollment as a Choctaw by Blood? A Yes, sir.
Q Who was the father of Beccy Wilson? A Eddie Wilson.
Q What is the name of the mother of Beccy Wilson? A Sarah Wilson.
Q Was you present when Beccy Wilson was born? A Yes, sir.
Q When was she born? A The 25th of February, 1906.
Q Are you any kin to Beccy Wilson? A Yes, sir, grandfather.
Q Is Beccy Wilson now living? A Yes, sir.
Q Do you know how it happened that her name was changed from Blanche to Beccy? A No, sir; I don't.
Q Was there a mistake made in giving in the name as Blanche?
A I guess so; must have been.
Q The correct name of this child, then, is Beccy Wilson?
A Yes, sir.

Witness Excused.

A. L. Irvine, being first duly sworn, states that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me, this February 20, 1907.

W. F. Angell
Notary Public.

23 -931. O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Beccy Wilson as a citizen by blood of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on July 25, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Beccy Wilson as a citizen by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that said applicant was born February 25, 1906, and is the daughter of Sarah Wilson, whose name(as Sarah Shield) appears opposite No. 11937 upon the final roll of citizens by blood of the Choctaw Nation approved by the Secretary of the Interior March 10, 1903, and Eddie Wilson, whose name appears opposite No. 2220 upon the final roll of Choctaw freedmen approved by the Secretary of the Interior April 8, 1903; and that said applicant was living on March 4, 1906.

I am, therefore, of the opinion that Beccy Wilson should be enrolled as a citizen by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

FEB 28 1907.

23-931

COPY

Muskogee, Indian Territory, March 2, 1907.

Eddie Wilson,

Atoka, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 25, 1907, granting the application for the enrollment of Beccy Wilson as a citizen by blood of the Choctaw Nation.

You are hereby advised that the name of Beccy Wilson has been placed upon a schedule of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED Tams Bixby

Commissioner.

23-931
Registered.

23-931

COPY

Muskogee, Indian Territory, March 2, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 25, 1907, granting the application for the enrollment of Beccy Wilson as a citizen by blood of the Choctaw Nation.

You are hereby advised that the name of Beccy Wilson has been placed upon a schedule of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval. You will be notified of Departmental action.

Respectfully,

SIGNED Tams Bixby

Commissioner.

23-931.
Registered.

17-1057
7- 4262

Muskogee, Indian Territory, August 28, 1906.

C. B. Weeks,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 25, 1906, inclosing affidavit of Sarah Wilson nee Shields to the birth of Blanche Wilson, child of Eddie Wilson and Sarah Wilson nee Shields, January 25, 1906.

You will will be notified of such action as is taken in regard to the affidavit to the birth of this child.

Respectfully,

Acting Commissioner.

REFER IN REPLY TO THE FOLLOWING:

23-931

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 29, 1907.

Eddie Wilson,

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior approved the enrollment of your child, Beccy Wilson as a minor citizen of the Choctaw Nation under the Act of Congress approved April 26, 1906, and her name appears upon the final roll of such citizens enrolled under the Act of April 26, 1906 at No. 955.

She is now entitled to an allotment and application therefor should be made without delay at the Land Office for the Nation in which the prospective allotment is located.

Respectfully,

Geo. L. Rogers

Acting Commissioner.

Department of the Interior.

Commissioner of Indian Affairs.

MUSKOGEE, IND. TER.



Choc Minor 932
Frank Burney

M932

- Protected habitat
- Sanctuaries
- [illegible]

Indian Territory :

Southern District :

Before me Geo. T. Putty a notary public in and for the Southern District of the Indian Territory, personally came and appeared Charlie Burney to me well known who after being by me duly sworn on his oath states, that he is a Choctaw Indian by blood and duly recognised and enrolled as such that on the 12 th day of March A. D. 1905 he was duly and regularly married to one Lillie Allen who is a United States Citizen, that they were married at Antlers Indian Territory, the cerimony being performed by Judge John Parr, who is the PostMaster at Antlers and is an intermarried Choctaw Indian, that the said marriage cerimony was performed without any lisence, we being married according to the Indian laws,

We were married in the Post Office building and there was a young man and a young woman present, whos names I do not know but am of the oppinion that they were the son and daughter of the said Judge John Parr,

Charley Burney

Subscribed and sworn to before me this the 12 day of December 1906

Geo T. Putty

Affidavit.

of

Charles Burney.

Indian Territory, }
Southern District } Affidavit.

I, Charles Burney, after being duly qualified, state upon my oath that I am a citizen of the Choctaw Nation by blood and that I am upon the roll of the said Nation; that in the month of March 1905 I legally married Lillie Burney, my present wife, in the town of Antlers Indian Territory; that we were married by Judge John Parr, who was at that time judge of Jacks Fork County and Post Master at Antlers Indian Indian Territory; that of this lawful wedlock a male child was born on November 28 1905, and that the name of said child is Frank Burney.

Charles Burney

Subscribed and sworn to before me, a Notary Public for the Southern District of the Indian Territory, at Marlow, I.T., this the 8th. day of December 1906.

F. B. Allen

My commission expires May 10, 1909.

FEB 8 19

FEB 8 19

United States of America :
Indian Territory :
Central District, at Antlers;

I, Jno. G. Farr, on oath state, that I am fifty six years of age, a citizen of the Choctaw Nation, by intermarriage, that my Postoffice address is Antlers, Indian Territory, that I was a regularly elected and commissioned County Judge of Jack Fork County, Choctaw Nation, Indian Territory, and by the authority invested in me by the laws of the said Choctaw Nation, did unite in the holy banns of matrimony, Charley Burney, a choctaw Indian by blood, and Lillie Allen, who was a citizen of the United States, some time in the later part of the year 1904.

Jno. G. Farr

Subscribed and sworn to befre me this 5th day of February 1907.

R. Shaha
Notary Public.

My commissionexpires July 30 th 1910.

Frank Burnes
CHOCTAW 932

Born

Choctaw
7/13/30

JUL 24 1966

IN THE MATTER OF THE DEATH OF

CONTESTED CIVIL [illegible].

In the matter of the death of Frank Burney, a citizen of the Choctaw Nation, who formerly resided at or near Konawa, Indian Territory, and died on the 16th day of March, 1906.

AFFIDAVIT OF WITNESS.

INDIAN TERRITORY,)
[illegible] DISTRICT.) ss.
Southern)

I, Charley Burney, on oath state that I am 30 years of age, and a citizen by Blood of the Choctaw Nation: that my post office address is Konawa, Indian Territory: that I am Father of Frank Burney, who was a citizen by Blood of the Choctaw Nation: that the said Frank Burney died on the 16 day of March, 1906.

Witnesses.

J. F. Neal

R. L. Bailey

Charley Burney

Subscribed and sworn to before me this 21 day of July, 1906.

W. L. Goodnough
Notary Public.

IN THE [illegible] OF [illegible].

INDIAN TERRITORY,)
Western District.) ss.

I, Mrs E. B. Allen, on oath state that I am 27 years of age and a citizen of the U. S. Nation: that my post office address is Konawa, Indian Territory: that I was personally acquainted with Frank Burney, who was a citizen by Blood of the Choctaw Nation: and that the said Frank Burney died on the 16th day of March, 1906.

Witnesses.

Ona Minnie Younge

Ona Dru Allen

Mrs E. B. Allen

Subscribed and sworn to before me this 23rd day of July, 1906.

Maurice P. Mathis
Notary Public.

My Com. Ex. 4/25-1909.

NEW BORN

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Frank Burney

as a citizen of

CHOCTAW Nation.

Approved FEB 11 1907 190...

Commissioner.

Born Apr 28 1905

ACT OF CONGRESS APPROVED APRIL 26, 1906

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 1 1906

COMMISSIONER.

CHOCTAW

2075

RECEIVED

JUL 24 1906

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS. APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Frank Burney [Here insert name of child], born on the 28 day of November 1905.

Name of Father: Charley Burney, a citizen of the Choctaw Nation.

Name of Mother: Lillie Burney, not a citizen of the ..... Nation.

Tribal enrollment of father ..... Tribal enrollment of mother .....

Postoffice Konawa I.T. Seminole Nation.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District } District.

I, Lillie Burney, on oath state that I am 17 years of age and a citizen by Net Mother Roll of the ..... Nation; that I am the lawful wife of Charley Burney, who is a citizen, by Blood of the Choctaw Nation; that a Male [Male or Female] child was born to me on 28 day of November 1905.; that said child has been named Frank Burney and was living March 4, 1906.

Lillie Burney

WITNESSES TO MARK:

[Must be Two Witnesses] J. L. Hood
L. D. Parker

Subscribed and sworn to before me this 21 day of July 1906.

A. L. Fodermaugle
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Western Judicial District. }

I, Henry T. Allen a Physician, on oath state that I attended on Lillie Burney, wife of Charley Burney on the 28th day of November 1905. that there was born to her on said date a Male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Frank Burney

Henry T. Allen

WITNESSES TO MARK:

[Must be Two Witnesses] Mrs Myrtle Hill X
C. B. Allen

Subscribed and sworn to before me this 23rd day of July 1906.

Maurice P. Mathis
Notary Public.

My Com. Ex 4/25-1909.

7-2075.

Muskogee, Indian Territory, August 15, 1906.

Charley Burney,

Konawa, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of the affidavits of Lillie Burney and Henry T. Allen to the birth of Frank Burney on November 28, 1905, and the affidavits of Charley Burney and Mrs. C . B. Allen to the death of Frank Burney on March 16, 1906, and you are advised that same have been filed as an application for the enrollment of said Frank Burney as a minor citizen of the Choctaw Nation.

Respectfully,

Commissioner.

DCS.

25-932

Muskogee, Indian Territory, November 7, 1906.

Charles Burney,
R. F. D. No. 1,
Box 72,
Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 31, 1906, asking to be notified when you can file for your minor child Frank Burney.

In reply to your letter you are advised that it will be necessary that you forward evidence of your marriage to Lillie Burney mother of Frank Burney, before further consideration can be given the application for his enrollment. This matter should receive immediate attention.

Respectfully,

Commissioner.

23-032

Muskogee, Indian Territory, December 18, 1906.

Charley Burney,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 8, 1906, forwarding your affidavit to the marriage between yourself and Lillie Burney your present wife in March 1905.

In reply to your letter you are advised that the same has been filed with the record in the matter of the enrollment of your child Frank Burney. You are informed, however, that it will be necessary that you forward either the original or a certified copy of the marriage license and certificate between yourself and Lillie Burney in the matter of the enrollment of said child.

Respectfully,

Commissioner.

23-932

Muskogee, Indian Territory, December 24, 1906.

Charley Burney,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 18, 1906, inclosing your affidavit to the marriage between yourself and Lillie Allen, and the same has been filed in the matter of the enrollment of your child Frank Burney.

Respectfully,

Acting Commissioner.

REFER IN REPLY TO THE FOLLOWING.

23-932

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 28, 1906.

Charley Burney,

Konowa, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of your child Frank Burney, it appears from your affidavit that you and your wife Lillie Allen were married by Judge John Parr and that the ceremony was performed without any license, you having been married in accordance with the Indian laws.

You are advised that if you cannot procure the original marriage certificate issued by the person performing the marriage ceremony, you should forward his affidavit to said marriage, together with the affidavits of any witnesses who may have been present and witnessed the ceremony.

This matter should receive your immediate attention.

Respectfully,

W. O. Beall

Acting Commissioner.

REFER IN REPLY TO THE FOLLOWING:

23-932

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 24, 1907.

Charley Burney,

Konawa, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 14, 1907, asking if you can file for your child Frank Burney.

In reply to your letter you are advised that in the matter of the enrollment of your child Frank Burney it will be necessary that you forward this office at oncethe affidavit of the person who performed the marriage ceremony between yourself and Lillie Allen, and the affidavits of two other persons who were present at the same time.

This matter should be given immediate attention so that disposition may be made of the application for the enrollment of your child Frank Burney.

Respectfully,

Commissioner.

23-932

Muskogee, Indian Territory, January 24, 1907.

Charley Burney,

Konawa, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 14, 1907, asking if you can file for your child Frank Burney.

In reply to your letter you are advised that in the matter of the enrollment of your child Frank Burney it will be necessary that you forward this office at oncethe affidavit of the person who performed the marriage ceremony between yourself and Lillie Allen, and the affidavits of two other persons who were present at the same time.

This matter should be given immediate attention so that disposition may be made of the application for the enrollment of your child Frank Burney.

Respectfully,

Commissioner.

REFER IN REPLY TO THE FOLLOWING:
23-932

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 28, 1907.

Charley Burney,
R. F. D. No. 1, Box No. 72,
Marlow, Indian Territory.

Dear Sir:

You are hereby advised that on March 1, 1907, the Secretary of the Interior approved the enrollment of your child, Frank Burney, as a minor citizen of the Choctaw Nation under the Act of Congress approved April 26, 1906, and his name appears upon the final roll of such citizens enrolled under the Act of Congress approved April 26, 1906, at No. 913.

He is now entitled to an allotment and application therefor should be made without delay at the Land Office for the Nation in which the prospective allotment is located.

Respectfully,

C. R. Rogers

Acting Commissioner.

23-932

Muskogee, Indian Territory, June 13, 1907.

Charles Burney,

Allison, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter without date in which you state that you were notified about six months ago that your child Frank Burney would be placed on the roll and you ask if he has now been approved.

In reply to your letter you are advised that on March 1, 1907, the Secretary of the Interior approved the enrollment of your child Frank Burney as a minor citizen of the Choctaw Nation under the Act of Congress approved April 26, 1906.

Respectfully,

Commissioner.

Blank 903

Name [illegible]

Nation [illegible]

C. Card Nos.

Roll No. [illegible]

ENROLLMENT RECORD

~~Complete~~

as to age. 92

No.	Description	Date	Page	Amount
	Census cards			1 50
	Birth affidavits			
	Memoranda			
	Death affidavits			
	Testimony			
	do.			
	do.			
	do.			
1	Letters	06		40
	do.			
	do.			
	do.			
	Decision			15
	Polls			
	Miscellaneous			
	Total			2 15

Clerk [illegible]

Choc. Minor 933
William Deral Skelton
Icy "

M9333

For record see 7-6068
See Pet. # C-52

Feb. 14, 1907 Granted.
Feb. 14, 1907 Record forwarded Dept.
March 1, 1907 Decision revised by Dept. and schedule containing names of these applicants disapproved.
March 1, 1909 Dept. requested report.
April 29, 1909 Report to Dept.
June 1, 1909 Dept. held this case is not analogous to Goldsby case and declines to take action looking to enrollment of applicants
June 10, 1909 Parties notified.

O. L. J.

C- 52
C-126
C- 96
W-182
W-183
W-184
W-181
7-5068
7-5284
7-5286
7-D-430
7-5059
7-5282
7-5064
23-996
23-987
23-935
23-891.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John W. Gamblin, et al., as citizens of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein and from the records in the possession of this office that on September 22, 1898, application was made to the Commission to the Five Civilized Tribes for the enrollment of John W. Gamblin (fifty-two years of age) as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his two children, James W. (twenty-nine years of age), and Mattie L. Gamblin (eighteen years of age), as citizens by blood of said nation; January 4, 1902, application was made for the enrollment of Benny Gamblin (born August 9, 1901) as a citizen by blood of the Choctaw Nation; October 17, 1898, application was made for the enrollment of Eliza Ann Gamblin (forty-eight years of age) as a citizen by blood of the Choctaw Nation; October 17, 1898, application was made for the enrollment of Joseph W. Gamblin (twenty-four years of age), and his minor child, Indianola Gamblin (two years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of Emma Gamblin (thirty-eight years of age) as a citizen by intermarriage of said nation; September 5, 1899, application was made for the enrollment of Lillie Gamblin (seventeen years of age) as a citizen by intermarriage of the Choctaw Nation; September 22, 1898, application was made for the enrollment of Amanda L. Reed (twenty-one years of age), and her minor child, Archie Reed (born April 17, 1898), as citizens by blood of the Choctaw Nation, and on July 28, 1902, application was made for the enrollment of Glenn Reed (born September 10, 1901) as a citizen by blood of said nation; October 17, 1898, application was made for the enrollment of Mary M. Jones (fifty-eight years of age) as a citizen by blood of the Choctaw Nation; September 22, 1898, application was made for the enrollment of Lovie P. Scott (twenty-four years of age), and her four minor children, Mattie M. (seven years of age), Winnie R. (four years of age), Archie M. (two years of age) and Glennis Scott (one year of age), as citizens by blood of the Choctaw Nation; April 15, 1900, application was made for the enrollment of Joseph A. Scott (born December 3, 1899) as a citizen by blood of the Choctaw Nation, and on October 30, 1902, application was made for the enrollment of James I. Scott (born September 8, 1902), as a citizen by blood of said nation.

Applications were made to the Commissioner to the Five Civilized Tribes for the enrollment of the following applicants, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137): On July 12, 1906, for the enrollment of Fred Gamblin (born November 19, 1903); on May 15, 1906, for the enrollment of Roy Scott (born June 8, 1905); on July 23, 1906, for the enrollment of William Doral Skelton (born January 27, 1903); on July 6, 1906, for the enrollment of Ivy Skelton (born October 13, 1904; on July 12, 1906, for the enrollment of Annie Nehla Reed (born October 31, 1903); and on July 12, 1906, for the enrollment of Joseph Rexford Reed (born May 29, 1905).

It further appears from the records of this office that the applicants, John W. Gamblin, James W. Gamblin, Nattie L. Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Emma Gamblin, Indianola Gamblin, Amanda L. Reed, Mary M. Jones, Levie F. Scott, Nattie M. Scott, Winnie R. Scott, Archie W. Scott and Glennis Scott, were admitted to citizenship in the Choctaw Nation by the United States Court for the Southern District of Indian Territory, in case No. 148. The applicants, Eliza Ann Gamblin and Glennis Scott, were subsequently stricken from the original judgment of said court.

December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created under the provisions of theAct of Congress approved July 1, 1902 (32 Stats., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court admitting certain of the above applicants to citizenship in the Choctaw Nation.

Said cause was subsequently certified to the said Choctaw and Chickasaw Citizenship Court for a trial de novo, and on November 26, 1904, in the case entitled "Walter W. Jones, et al., vs. Choctaw and Chickasaw Nations" (Choctaw-Chickasaw Citizenship Court Case No. 107, Tishomingo Docket), rendered its decision therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, ... Mary Melinda Jones . . . . . Levie Francis Scott, or Levie Francis Scott, Nattie Myrtle Scott, Winnie Roberta Scott, Anlie McCoy Scott or Archie McCoy Scott, James Walter Gamblin, Joseph Wilbern Gamblin, Indianola Gamblin, Amanda Lutoma Gamblin, Nattie Lavinia Gamblin and John W. Gamblin, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, ... Emma Gamblin, Eliza Ann Gamblin, or Eliza Ann Jones, ... Glennis Scott, ... the court having no jurisdiction, their petitions is dismissed."

It does not appear from the records in the possession of this office that any of the applicants who were before the United States Court for the Southern District of Indian Territory in case No. 148, were ever applicants before the Commission to the Five Civilized Tribes in 1896, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321).

January 23, 1908, the Commission to the Five Civilized Tribes entered of record orders dismissing the applications for the enrollment of Benny Gamblin, Archie Reed, Glenn Reed, Joseph A. Scott and James I. Scott as citizens by blood of the Choctaw Nation, for the reason that their parents, through whom they claimed their right to enrollment as citizens of the Choctaw Nation, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

February 1, 1906, said Commission also entered of record an order dismissing the application for the enrollment of Lillie Gamblin, for the reason that James W. Gamblin, through whom she claimed said right, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

February 4, 1906, the Commission to the Five Civilized Tribes denied the application for the enrollment of Glennis Scott as a citizen by blood of the Choctaw Nation, and on March 13, 1906 (I. T. D. 1958-1905), the same was affirmed by the Department.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on March 6, 1906, March 9, 1906, February 20, 1906, and February 6, 1906, petitions praying for the enrollment of Joseph W. (or Joseph) Gamblin, Emma Gamblin, Indianola Gamblin, Orange Dorrance, Issy Dorrance, Eliza Ann Gamblin, John H. (or J. H.) Gamblin, Walter Gamblin, Amanda (or Amanda Lutoma) Reed (nee Gamblin), Nattie Skelton (nee Gamblin), George Scott, Lovie Scott, Myrtle (or Nattie Myrtle) Scott, Minnie Roberta (or Bertie) Scott, Archy McCoy (or Archie) Scott, Mary Malinda Jones, Glennis Scott, Joseph H. Scott, James I. Scott, Lillie Gamblin, Benny Gamblin, Fred Gamblin, William D. Skelton, Isie Skelton, Arch Reed, Archie Reed, Glenn Reed and Anne Keller Reed as citizens of the Choctaw Nation.

All of the above named petitioners, with the exception of Orange Dorrance, Issy Dorrance, George Scott and Arch Reed, are identical with the persons for whom application for enrollment as citizens of the Choctaw Nation has either been made under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), or April 26, 1906 (34 Stats., 137).

It does not appear from the record herein or from the records in the possession of this office that any application has ever been made for the enrollment of Orange Dorrance and Issy Dorrance (both of whom were adults on March 4, 1906), children of the applicant, Emma Dorrance, prior to December 1, 1905, nor was any application made for their admission as citizens of the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). Neither has any application ever been made for the enrollment of Arch Reed or George Scott as a citizen by intermarriage of the Choctaw Nation prior to December 1, 1905. This, however, is immaterial, inasmuch as the record herein shows that neither of them has ever been married to the applicants, Amanda L. Reed and Lovie F. Scott, respectively, under a license issued by the tribal authorities of the Choctaw Nation.

It appears from the record herein that the applicants, James W. Gamblin, Nattie L. Gamblin, Joseph W. Gamblin and Amanda L. Reed, are the children of the applicants, John H. Gamblin and Eliza Ann Gamblin; the applicants, Benny Gamblin and Fred Gamblin, are the children of the applicants, James W. Gamblin and Lillie Gamblin; the applicant, Indianola Gamblin, is the daughter of the applicants, Joseph W. Gamblin and Emma Gamblin; the applicants, Archie Reed, Glenn Reed, Annie Kehle Reed and Joseph Rexford Reed, are the children of the applicant, Amanda L. Reed, and Arch Reed, for whom no application has been made; the applicant, Lovie F. Scott, is a daughter of the applicant, Mary M. Jones, and Jim Jones, a non-citizen; the applicants, Nattie M. Scott, Minnie R. Scott, Archie M. Scott, Glennis Scott, Joseph A. Scott, James I. Scott and Roy Scott, are the children of the applicant, Lovie F. Scott, and George W. Scott; and the applicants, William Neal Skelton and Issy Skelton, are the children of the applicant, Nattie L. Gamblin (now Nattie Lovenia Skelton), and James W. Skelton, a non-citizen.

It further appears from the record herein that John W. Gamblin claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage to the applicant, Eliza Ann Jones, on January 10, 1867, both of said applicants being on the date of said marriage residents of the State of Georgia; that Emma Gamblin claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage on April 7, 1895, to the applicant, Joseph W. Gamblin, said applicants being on the date of said marriage residents of the Chickasaw Nation; and that Lillie Gamblin claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage on July 23, 1899, to the applicant, James Walter Gamblin, both of said applicants being on the date of said marriage residents in good faith of the Chickasaw Nation.

Upon examination of the tribal rolls of the Choctaw Nation in the possession of this office, it appears that the applicants, James W. Gamblin, Mattie L. Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Lovie F. Scott, Mattie W. Scott, and Winnie R. Scott, are identified upon the 1896 Choctaw Census Roll, opposite Nos. 4919, 4921, 4915, 4916, 4918, 4920, 11693, 11694, and 11695, respectively, said applicants being enrolled thereon as citizens by blood of the Choctaw Nation. The applicants, John W. Gamblin and Emma Gamblin, are identified upon said roll opposite Nos. 4914 and 4917 respectively. The records in the possession of this office show that said applicants were enrolled upon the 1896 Choctaw Census Roll by the Choctaw Revisory Board in the month of January, 1897.

The applicant, Mary W. Jones, is not identified upon any of the tribal rolls of the Choctaw Nation in the possession of this office, nor has she ever been admitted to Choctaw citizenship by any duly constituted authority.

All of the applicants herein who were living on June 28, 1898, were residents in good faith of the Indian Territory, and the minor applicants for whom application was made for enrollment as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), were living on March 4, 1906.

I am of the opinion that in accordance with the opinions of the Assistant Attorney General for the Department of the Interior of February 10, 1905 (I. T. D. 10383-1904), and December 8, 1905 (I. T. D. 3693-1905), the action of the Choctaw and Chickasaw Citizenship Court denying the applicants herein who were before said court, with the exception of John W. Gamblin, was without authority of law, and of no force and effect upon their status as citizens of the Choctaw Nation.

I am further of the opinion that the orders of the Commission to the Five Civilized Tribes of January 23, 1905, and February 1, 1905, dismissing the applications for the enrollment of Joseph A. Scott, James I. Scott, Archie Reed, Glenn Reed, Benny Gamblin and Lillie Gamblin as citizens of the Choctaw Nation should be rescinded, and it is so ordered.

I am further of the opinion that following the ruling of the Department of March 16, 1906 (I. T. D. 4222-1906), in the case of William C. Thompson, James W. Gamblin, Mattie L. Gamblin, Benny Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Archie Reed, Glenn Reed, Lovie F. Scott, Mattie W. Scott, Winnie R. Scott, Archie W. Scott, Joseph A. Scott and James I. Scott should be enrolled as citizens by blood of the Choctaw

Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that Glennis Scott should be enrolled as a citizen by blood of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that inasmuch as Eliza Ann Gamblin was not a recognized citizen of the Choctaw Nation at the time of her marriage to John M. Gamblin, and the latter was never remarried to the former after her tribal recognition under a tribal license, and inasmuch as the applicant, Mary M. Jones, has never been recognized or enrolled as a citizen of the Choctaw Nation, they did not possess such a tribal status in 1896 as would entitle them to enrollment, and therefore, the action of the Choctaw and Chickasaw Citizenship Court denying their applications for citizenship in the Choctaw Nation is final, and I am without authority to take any action looking to their enrollment as citizens of the Choctaw Nation, and that the petition herein in so far as same applies to said applicants should be dismissed, and it is so ordered.

I am further of the opinion that Emma Gamblin and Lillie Gamblin should be enrolled as citizens by intermarriage of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that Fred Gamblin, Roy Scott, William Deral Skelton, Ley Skelton, Annie Kehla Reed, and Joseph Rexford Reed should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that inasmuch as no application has ever been made for the enrollment of Orange Terrance, Issy Terrance, George Scott and Arch Reed as citizens of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), I am without authority to take any action looking to their enrollment as citizens of the Choctaw Nation, that their petitions should be dismissed, and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

D.O.M.
G.W.W.
File 5-51.
D
6476.

J.W.M.
J.W.H.
W.C.P.
J.W.L.

DEPARTMENT OF THE INTERIOR,
Washington.

March 1, 1909.

Seal. 17077
Office of Indian Affairs.
March 3, 1909.

The Commissioner

to the Five Civilized Tribes.

Sir:

January 25, 1909, you were advised that the names of certain persons were inadvertently included in Departmental letter of January 19, 1909 (File 5-51); that such mistake was due to the fact that it was supposed they were enrolled upon schedules approved by the Department, when in fact, the only schedules upon which their names were disapproved, and that no action should be taken under the circumstances looking to the erasure of interlineations or notations, if any, from the disapproved schedules, in connection with ~~their~~ appear names.

The names of the persons referred to in said letter of Januar. 25, 1909, are as follows:

Choctaws by Blood.

Roll No.	
16103	Elizabeth Allen.
16112	George A. Bumgarner.
16110	Loutitia Crutchfield.
16106	Everett Crutchfield.
16111	George W. Crutchfield.
16105	Ida Crutchfield.

16107	Ima Crutchfield.
16108	Louvinia Crutchfield.
16109	William Crutchfield.
921	Josephine Laflore Long.
922	Nake Laflore Long.
16104	David Ritter.

It now appears from the records of the Secretary's Office that there was a schedule approved May 21, 1904, by the Secretary of the Interior, and that the approval then given was cancelled by said Secretary at a later date, to-wit, June 28, 1904.

The name of Elizabeth Allen appears upon the schedule which was approved May 21, 1904, opposite the numbef 15551. Ida Crutchfield's name appears opposite No. 15553, while the other members of the Crutchfield family were given the numbers immediately following that assigned to her.

You are requested to cause a report to be prepared showing whether the records of your office also show that an earlier schedule containing the names of said persons was approved May 21, 1904; also whether such approval was cancelled June 28, 1904. Please report also the reason for the attempted cancellation, and whether prior notice was given thereof.

It appears further that, in connection with the names of Elizabeth Allen and the Crutchfield family on the roll approved May 21, 1904, the names of Ardella Hickman, Ida M. Southard and Grover Randall are also to be found.

In connection with said names, it is desired that you will report what action, in your opinion, should be taken concerning the first of said persons; also whether the said

Ida M. Southard and Grover Randall, respectively, are identical with the Ida M. Southard whose name appears opposite No. 15880 in the printed rolls of citizens by blood of the Choctaw Nation, and the Grover Randall whose name appears on page 8 of Departmental letter of January 19, 1909 (File 5-51), opposite No. 15928.

As appears from the above list, there were other persons besides the said Allen and Crutchfield whose names were enrolled on schedules which were finally disapproved by the Department: for example, George A. Bumgarner, Josephine Laflore Long and Jake Laflore Long.

Please report whether the names of these persons appear upon any prior approved schedule; also why it was that the Commissioner to the Five Civilized Tribes enrolled them upon the schedule which was disapproved by the Department, showing whether the Commissioner enrolled them thereon, of his own motion, or under decision or instructions from the Department.

By comparison of the roll approved May 21, 1904, with the printed rolls of Choctaws by blood, the Department finds that the numbers appearing thereon opposite the names of said persons were subsequently assigned to other citizens of the Choctaw Nation; thereby the series of roll numbers was kept perfect, but a material portion of the rolls was evidently sacrificed upon the supposition that it had become worthless. Inquiry arises in this connection as to whether there were other approved schedules which were subsequently disapproved and thrown aside.

Accordingly, it is desired, that you also cause a report to be prepared covering this feature of the matter, showing all persons embraced in similar cases, with recommendation as to what action should be taken as to them. This will necessitate a statement as to why their names were stricken or cancelled from the rolls, and whether such action was taken without prior notice.

There is still another matter concerning which the Department desires report to be made. It is observed that the words "No person enrolled at this number" are to be found not infrequently opposite consecutive numbers on the pages of the printed rolls; and you are requested to advise the Department whether such words were substituted for the names of individuals appearing on disapproved schedules, and if such is the case, whether such disapproved schedules were approved at any time by the Department; also whether favorable decisions were ever rendered by the Department as to such persons prior to their enrollment upon such disapproved schedules.

For the sake of expedition, a partial report should be rendered at once concerning the said Elizabeth Allen and the various members of the Crutchfield family named above. The other matters referred to herein can be disposed of by subsequent reports.

Very respectfully,

Jesse E. Wilson,

Assistant Secretary.

Through the

Indian Office.

Land
38228-08
17077-09 R S K
J R R K S K

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS/

WASHINGTON, D.C.,-----Mch. 6, 09
Respectfully referred to the Commissioner
to the Five Civilized Tribes, for appropriate
action.

John Francis, Jr.
Acting Chief Land Division.

1 Letter
dated Mch. 1-09.

the notation "No person enrolled at this number".

B 294-1909.

Muskogee, Oklahoma, April 29, 1909.

Subject:

Partial report on Department's letter of March 1, 1909, relative to certain persons whose names appear on disapproved schedules.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to acknowledge receipt of Departmental letter of March 1, 1909 (File 5-51) in which, among other things, the Department requests reports concerning the persons whose names appear on schedules which were disapproved by the Department, and at whose numbers in the printed roll appears the notation "No person enrolled at this number".

Partial reports have heretofore been made as to certain of these persons and I now have the honor to state that the consolidated Choctaw enrollment case of John H. Gamblin, et al. falls within the class above described, and to report thereon as follows:

It appears from the records of this office that applica-

tions were made to the Commission to the Five Civilized Tribes under the Acts of Congress approved June 2, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat.,641), for the enrollment as citizens by blood and intermarriage of the Choctaw Nation of the following persons:

John H. Gamblin for enrollment as a citizen by intermarriage, and for the enrollment of his children, James W. Gamblin and Mattie L. Gamblin, and his grandchild, Benny Gamblin, as citizens by blood of the Choctaw Nation; also for the enrollment of Lillie Gamblin, wife of James W. Gamblin, as a citizen by intermarriage of said nation.

Eliza Ann Gamblin for enrollment as a citizen by blood of the Choctaw Nation.

Joseph W. Gamblin for enrollment of himself and his child, Indianola Gamblin, as citizens by blood and for the enrollment of his wife, Emma Gamblin, as a citizen by intermarriage of the Choctaw Nation.

Amanda L. Reed for the enrollment of herself and her children, Archie Reed and Gleona Reed, as citizens by blood of the Choctaw Nation.

Mary M. Jones for enrollment as a citizen by blood of the Choctaw Nation.

Levie F. Scott for the enrollment of herself and her children, Hattie E. Scott, Minnie E. Scott, Archie E. Scott, Glennie Scott, Joseph A. Scott and James L. Scott, as citizens by blood of the Choctaw Nation.

Applications were made to the Commissioner to the Five Civilized Tribes, under the provisions of the Act of Congress approved April 26, 1906 (34 Stat., 137), for the enrollment of the following minor children as citizens by blood of the Choctaw Nation: Fred Gamblin, Roy Scott, Villian Dora Skelton, Ivy Skelton, Annie Kohla Reed and Joseph Rexford Reed.

It further appears from the records of this office that the applicants, John W. Gamblin, James W. Gamblin, Hattie L. Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Rena Gamblin, Endimola Gamblin, Amanda L. Reed, Mary E. Jones, Levie F. Scott, Hattie E. Scott, Minnie E. Scott, Archie E. Scott and Glennie Scott were admitted to citizenship in the Choctaw Nation by the United States Court for the Southern District of Indian Territory, in Case Number 148 on the Citizenship Docket of said court.

The applicants, Eliza Ann Gamblin and Glennie Scott were subsequently stricken from the original judgment of the court.

December 17, 1902, theThe dawes and Chickasaw Citizenship

Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stat.,641) "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court admitting certain of the above named applicants to citizenship in the Choctaw Nation.

This cause was subsequently certified to the Choctaw and Chickasaw Citizenship Court for a trial de novo, and on November 28, 1904, in the case entitled Walter V. Jones, et al. versus the Choctaw and Chickasaw Nations, Case Number 107 on the Tishomingo Docket, this Court rendered its decree therein it ordered, adjudged and decreed that the petition of the plaintiffs, Mary Malinda Jones, Levie Francis Scott, or Levie Francis Scott, Hattie Myrtle Scott, Minnie Roberta Scott, Amlie McCoy Scott or Archie McCoy Scott, James Walter Gamblin, Joseph Wilburn Gamblin, Indianola Gamblin, Amanda Untema Gamblin, Hattie Lavinia Gamblin and John H. Gamblin be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom, and as to the petitioners, Emma Gamblin, Elina Ann Gamblin or Elina Ann Jones, and Glennie Scott, the court having no jurisdiction their petition was dismissed.

Secretary S

The records of this office do not show that any of the applicants who were before the United States Court for the Southern District of Indian Territory in Case Number 148 were applicants before the Commission to the Five Civilized Tribes in 1896, under the provisions of the Act of Congress approved June 10, 1896, although there was filed with the record before said court, which is now a part of the record in Citizenship Court Case Number 107 on the Tishomingo Docket, an affidavit of U. G. Winn, an attorney at law, Ponca Valley, Indian Territory, in which he alleges that petitions were by him forwarded to the Commission to the Five Civilized Tribes and the Principal Chief of the Choctaw Nation, as provided by said act, praying for the admission to citizenship of the above named persons.

January 23, 1905, the Commission to the Five Civilized Tribes entered orders dismissing the applications for the enrollment of Benny Gamblin, Archie Reed, Elem Reed, Joseph A. Scott and James I. Scott, as citizens by blood of the Choctaw Nation for the reason that the persons through whom they claimed their right to enrollment as citizens of the Choctaw Nation had been denied by the Choctaw and Chickasaw Citizenship Court.

Secretary 6

February 1, 1906, the Commission to the Five Civilized Tribes entered an order dismissing the application for the enrollment of Lillie Gamblin as a citizen by intermarriage of the Choctaw Nation for the reason that her husband, through whom she claimed intermarried rights, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

February 4, 1906, the Commission to the Five Civilized Tribes denied the application for the enrollment of Glennis Scott as a citizen by blood of the Choctaw Nation and March 13, 1906 (I T D 1958-1906) this action of the Commission was affirmed by the Department.

Under the regulations adopted by the Commissioner to the FiveCivilized Tribes January 2, 1906, there were filed on February 6, 1906, February 20, 1906, March 6, 1906 and March 9, 1906, petitions praying for the enrollment of Joseph W. Gamblin (or Joseph Gamblin), Emma Gamblin, Indianola Gamblin, Orange Derrames, Zoey Derrames, Rina Ann Gamblin, John H. Gamblin (or J. H. Gamblin), Walter Gamblin, Amandy Reed (or Amanda Luticum Reed), Nee Gamblin, Mattie Skelton, nee Gamblin, George Scott, Lewis Scott, Myrtle Scott (or Mattie Myrtle Scott), Minnie Roberta Scott (or Bertie Scott), Archy McCoy Scott (or Archie Scott), Mary Melinda Jones, Glennis Scott, Joseph

Secretary 7

H. Scott, James I. Scott, Lillie Gamblin, Benney Gamblin, Fred Gamblin, William D. Skelton, Lois Skelton, Arch Reed, Archie Reed, Glenn Reed and Anna Keller Reed as citizens of the Choctaw Nation.

All of the above named petitioners, with the exception of Orange Durrance, Lucy Durrance, George Scott and Arch Reed, are identical with the persons for whose enrollment as citizens of the Choctaw Nation application was made under the provisions of the Acts of Congress approved June 28, 1898 or April 26, 1906.

The names of James W. Gamblin, Matthew L. Gamblin, Miss Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Lovie F. Scott, Hattie M. Scott and Minnie B. Scott are identified upon the 1896 Choctaw Census Roll as citizens by blood and John M. Gamblin and Emma Gamblin as citizens by intermarriage. The records show, however, that they were enrolled upon said roll by the Choctaw Revisory Board in the month of January, 1897.

February 14, 1907, the Commissioner to the Five Civilized Tribes rendered a decision holding, in accordance with the opinions of the Assistant Attorney General for the Department of the Interior of February 19, 1903 (I T D 10363-1904) and December 5, 1906 (I T D 3663-1906) the action of the Choctaw

Secretary 8

and Chickasaw Citizenship Court denying the applicants herein who were before said court, with the exception of John E. Gamblin, was without authority of law and of no force and effect upon their status as citizens of the Choctaw Nation.

The decision of February 14, 1907, rescinded the orders of the Commission to the Five Civilized Tribes of January 3, 1905 and February 1, 1906, dismissing the applications for the enrollment of Jesse A. Scott, James I. Scott, Archie Reed, Glenn Reed, Benny Gamblin and Lillie Gamblin as citizens of the Choctaw Nation, and, following the ruling of the Department of March 15, 1906 (I T D 4228-1906) in the case of William C. Thompson, et al., granted the applications for the enrollment of James V. Gamblin, Hattie L. Gamblin, Benny Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Archie Reed, Glenn Reed, Levie F. Scott, Hattie M. Scott, Minnie E. Scott, Archie E. Scott, Joseph A. Scott, James I. Scott and Glennie Scott as citizens by blood and Benn Gamblin and Lillie Gamblin as citizens by intermarriage of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 and July 1, 1902.

This decision also granted the applications for the enrollment of Fred Gamblin, Ray Scott, William Dora Skelton, Ivy Skelton, Annie Eunice Reed and Joseph Rexford Reed as

minor citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906.

The petitions for the enrollment of John M. Gamblin, Mary M. Jones, Ormage Derramee, Issy Derramee, George Scott and Arch Reed were dismissed by the same decision.

February 16, 1907, the record and proceedings, together with the decision of the Commissioner of February 14, 1907, were forwarded the Department. There were also transmitted at the same time schedules of citizens by blood and marriage of the Choctaw Nation composed of the persons whose applications for enrollment were granted in said decision, as follows:

Choctaws by blood . . . . Numbers 16181 to 16196, inclusive;
Choctaws by marriage . . . Numbers 1661 and 1662.
Minor Choctaws by blood Numbers 923 to 928, inclusive.

This case was analogous to the case of Mattie Shockley, et al. (Louis West case), in which this office had been directed to suspend action until the Attorney General had passed upon the questions involved in that case, but inasmuch as the time within which persons could be enrolled and their enrollment approved by the Secretary of the Interior, under the provisions of the Act of Congress approved April 26, 1906, was becoming very short, the schedules above described were prepared by this office, without waiting for the opinion of the

Attorney General, and were forwarded to the Department, in order that, if the opinion of the Attorney General were favorable, the rights of these applicants might be protected without delay, and this office requested, in the event of such favorable opinion of the Attorney General, that these schedules should be approved by the Secretary of the Interior.

February 26, 1907, referring to Departmental letter of February 23, 1907 (I T D 4564-1907) requesting this office to forward a list of those persons whose enrollment should be cancelled in view of the opinion of the Attorney General of February 19, 1907, in the Choctaw enrollment cases of Loula West and William C. Thompson, et al., the Commissioner to the Five Civilized Tribes called the attention of the Department to the schedules above described, which were forwarded February 15, 1907, and advised that this case was analogous to the case of Loula West and recommended that the decision of the Commissioner to the Five Civilized Tribes of February 14, 1907, be not approved by the Department and that the schedules transmitted with office letter of February 15, 1907, be disapproved by the Secretary of the Interior.

February 28, 1907 (Land 18014-1907) the Indian Office transmitted the record in the case of John W. Gamblin and

Secretary 11

the schedules forwarded with office letter of February 18, 1907, and recommended, in view of the opinion of the Attorney General of the United States of February 19, 1907, in the cases of Louis West and Myrtle Randolph, analogous hereto, that the applicants in this case be all denied enrollment and their applications dismissed and that the schedules containing the names of these persons be disapproved.

March 1, 1907 (I T D 5740-1907) the Department concurred in the recommendation of the Indian Office and denied the right to enrollment of all the applicants in the consolidated Choctaw enrollment case of John M. Gamblin, et al. and disapproved the schedules bearing their names.

March 4, 1907 (I T D 6916-1907), referring to office letter of February 26, 1907, relative to the Choctaw enrollment case of John M. Gamblin, et al., the Department advised that the schedules mentioned therein had been disapproved March 1, 1907.

Inasmuch as these persons were not upon an approved roll of citizens by blood and marriage of the Choctaw Nation, no formal allotments were made to them, and it does not appear that applications were made by them for the purpose of instituting contests for lands in the Choctaw-Chickasaw country.

This office has no record of any favorable action ever having been taken by the Department as to the persons whose names appear in the consolidated Choctaw enrollment case of John W. Gamblin, et al.

September 16, 1907, the Department called the attention of the Indian Office to Departmental letter of August 29, 1907 (D 492), in the last paragraph of which the cases of August (Augus A.) Spring, et al. and John W. Gamblin, et al. are touched upon. This paragraph contains the following:

> "and theirs must stand as unadjudicated applications and claims to right to enrollment, the merits of which are to be considered by Congress or by the tribunal to which it (Congress) may commit them, or such tribunal as may now have jurisdiction."

The specific facts in the case of John W. Gamblin, et al. are then touched upon and the Indian Office is requested to forward a report, as early as practicable, as to the advisability of delay in beginning ejectment proceedings until the next session of Congress which may perhaps pass upon their case.

October 3, 1907 (I T D 78379,78867-1907. File 053) the Indian Office reported that it saw no reason why the cases of these persons should be brought to Congress or any relief

Secretary 13.

sought by the Department from that source, and the Acting Commissioner of Indian Affairs did not believe that the removal of the families of Gamblin and Spring from the lands then occupied by them should be longer delayed.

October 4, 1907, this recommendation was approved by the First Assistant Secretary of the Interior.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

AH

Land
34734-1909
J K D

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs
Washington, Jun 4 1909

Enrollment case of
John H. Gamblin et al.

The Commissioner to the
Five Civilized Tribes,
Muskogee, Oklahoma.

Sir:

Referring to your report of April 29, 1909, relative to the Choctaw enrollment case of John H. Gamblin, et al., you are advised that on June 1, 1909, the Department held that the case mentioned is not analogous to that of John R. Goldsby and does not come within the principles announced by the Supreme Court of the United States in its decision of November 30, 1908 in that case (211 U. S. 249). The Department therefore declined to take any action looking to the enrollment of any of the applicants in the case of John H. Gamblin, et al., as citizens of the Choctaw Nation. A copy of approved Office letter of May 29, 1909, is inclosed for your further information. You are requested to notify the proper parties of this action of the Department.

Very respectfully,

C. F. Hauke.
Chief Clerk.

JC-3
1726

Land
S 4734-1909
J M P

Enrollment case of John
H. Gamblin et al.

May 29 1909

The Honorable,

The Secretary of the Interior,

Sir:

Referring to Department letter of March 1, 1909 (File S-31) there is transmitted herewith a report of April 29, 1909, from the Commissioner to the Five Civilized Tribes, relative to the Choctaw enrollment case of John H. Gamblin et al. Other papers are also inclosed.

The Commissioner reports that his office has no record of any favorable action ever having been taken by the Department as to the applicants in the above mentioned case.

The Office is of the opinion that the case of John H. Gamblin et al. is not analogous to that of John H. Goldsby (211 U.S. 249), and therefore recommends that the Department take no action looking to the enrollment of any of the applicants therein.

Very respectfully,

OCP
1511

(Signed) R. G. Valentine,

Acting Commissioner.

APPROVED: June 1, 1909.

Frank Pierce,

First Assistant Secretary.

Choctaw 6072

Muskogee, Oklahoma, June 10, 1909.

Mr. James W. Gamblin,
Comanche, Oklahoma,

Sir:

You are hereby advised that on June 1, 1909, the Secretary of the Interior held that the Choctaw enrollment case of John H. Gamblin, et al. is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in said Goldsby case.

Respectfully,

Acting Commissioner.

AE

'11.08.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 2, 1905.

James W. Skelton,

Comanche, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Hattie Lavina Skelton and J. T. Wharton to the birth of Icy Skelton, daughter of James and Hattie Lovina Skelton, November 13, 1904.

It is stated in the affidavit of the mother that she is a citizen by blood of the Choctaw Nation. If this is correct, you are requested to state the name under which she was enrolled, the names of her parents, and if she has selected an allotment of the lands of the Choctaw or Chickasaw Nation, please give her roll number as it appears upon her allotment certificate.

Respectfully,

Chairman.

Hattie Lovina Skelton mentioned above is the daughter John H. Gamblin U. Court Citizen Choctaw.

Muskogee, Indian Territory, May 31, 1906.

James W. Skelton,

Comanche, Indian Territory.

Dear Sir:

Referring to the application for the enrollment of your child, Ivy Skelton, a letter was addressed to you on May 2, 1906, asking information which would enable us to identify the mother of this child upon our records.

Before further consideration can be given this application it will be necessary that you give the name under which your wife, Mattie Levina Skelton, was enrolled, the names of her parents, and if she has selected an allotment of the lands of the Choctaw or Chickasaw Nation, give her roll number as the same appears upon her allotment certificate.

This matter should receive immediate attention.

Respectfully,

9-2038

Muskogee, Indian Territory, July 16, 1906.

J. W. Skelton,

Comanche, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of July 6, 1906, enclosing affidavits of Nattie Lovenia Skelton and Dr. J. T. Wharton to the birth of Ley Skelton, child of James V. and Nattie Lovenia Skelton, October 13, 1904.

Respectfully,

Commissioner.

T-8886

Muskogee, Indian Territory, August 18, 1906.

James W. Skelton,

Commanche, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of the affidavits of Hattie Levenia Skelton and W. H. Montgomery to the birth of William Doval Skelton, child of James W. and Hattie Levenia Skelton, January 27, 1906.

Respectfully,

Commissioner.

Choc. Minor 934

Silina Noah

M934

NEW COMM'N 934

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Silina Noahe

as a citizen of

Choctaw Nation.

Approved NOV 2 1906 190...

Commissioner.

Born Oct. 28" 1905

ACT OF CONGRESS APPROVED APRIL 26, 1906.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 15 1906

COMMISSIONER.

CHOCTAW

N B 934

RECEIVED

JUL 22 1909

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Selina Noah, born on the 28 day of October 1905
[Here insert name of child]
Name of Father: Ebinezer Noah a citizen of the Choctaw Nation.
Name of Mother: Ellen Noah a citizen of the Choctaw Nation.
Tribal enrollment of father 5630 Tribal enrollment of mother 5631
Postoffice Nashoba I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Central District.
I, Ellen Noah, on oath state that I am 35
years of age and a citizen by blood of the Choctaw Nation;
that I am the lawful wife of Ebinezer Noah, who is a citizen, by
blood of the Choctaw Nation; that a Female child was
[Male or Female]
born to me on 28 day of October 1905; that said child has been named
Selina Noah and was living March 4, 1906.

Ellen Noah

WITNESSES TO MARK:
[Must be Two Witnesses]
Wade Bohanan
Mack Hardy

Subscribed and sworn to before me this 20 day of July 1906.

F. M. Fuller
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Central District.
I, Stroden Noah, a mid wife on oath state that I
attended on Ellen Noah, wife of Ebinezer Noah
on the 28 day of Oct 1905; that there was born to her on said date a Female child; that said child was living March 4, 1906, and is said to have been named
[Male or Female]
Selina Noah

Stroden his Noah mark

WITNESSES TO MARK:
[Must be Two Witnesses]
Wade Bohanan
Mack Hardy

Subscribed and sworn to before me this 20 day of July 1906.

F. M. Fuller
Notary Public.

My Commission
Expires April 18 1908

EMPTY

Choc. Minor 936

Eddie Mouser

Dismissed Jan 14, 1907.

Copy of decision forwarded attorneys for Choc. and Chick. Nations Jan 14, 1907.

M936

DC.LL.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-:0:-

In the matter of the application for the enrollment of Eddie Mouser as a citizen by blood of the Choctaw Nation.

23-936.

NEW BORN 936

100

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Edna J. Mowers

as a citizen of

Choctaw Nation.

Approved..... 190...

.....

Commissioner.

Born May 14 1903

ACT OF CONGRESS APPROVED APRIL 26, 1906.

DEPARTMENT OF THE INTERIOR

AUG 15 1906

Commissioner.

CHOCTAW

703 936

RECEIVED
AUG 23 1906

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Eddie L. Monroe, born on the 14th day of May 1903
[Here insert name of child]
Name of Father: Robert L. Monroe a citizen of the Choctaw Nation
Name of Mother Leggie Monroe a citizen of the United States
Tribal enrollment of father Choctaw Tribal enrollment of mother Intermarried Choctaw
Postoffice Indianola I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Western District.

I, Leggie L. Monroe on oath state that I am 24
years of age and a citizen by Intermarriage of the Choctaw Nation;
that I am the lawful wife of Robert L. Monroe, who is a citizen, by
blood of the Choctaw Nation; that a male child was born to me on the 14th day of May 1903 that said child has been named
Eddie L. Monroe and died April 6th 1904

x Leggie Monroe

WITNESSES TO MARK:
[Must be Two Witnesses] D Houston
Bennie Houston

Subscribed and sworn to before me this 21st day of July 1906.
Milton Houston
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Western District.

I, Harriet Pitts, a Midwife, on oath state that I
attended on Leggie L. Monroe, wife of Robert L. Monroe
on the 14th day of May 1903 that there was born to her on said date a [Male or Female] child; that said child died April 6th 1904 had is said to have been named Eddie L. Monroe.

x Harriet Pitts
mark

WITNESSES TO MARK:
[Must be Two Witnesses] D Houston
Bennie Houston

Subscribed and sworn to before me this 21st day of July 1906.
Milton Houston
Notary Public.

23-936.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-:O:-

In the matter of the application for the enrollment of Eddie Mouser as a citizen by blood of the Choctaw Nation.

-: O R D E R : -

It appears from the record herein that on July 23, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Eddie Mouser as a citizen by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records of this office that Eddie Mouser was born May 14, 1903 and is the son of Robert Mouser, whose name appears opposite No. 699 on the final roll of citizens by blood of the Choctaw Nation approved by the Secretary of the Interior December 12, 1902 and Lizzie Mouser, whose name appears opposite No. 808 on the final roll of citizens by intermarriage of the Choctaw Nation approved by the Secretary of the Interior May 21, 1904.

It further appears from the record herein that the applicant, Eddie Mouser, died April 6, 1904.

Section 2 of the Act of Congress approved April 26, 1906 (34 Stats., 137) provides in part as follows:

> "That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof....."

I am of the opinion that inasmuch as the applicant, Eddie Mouser, died prior to March 4, 1906, the application made for his enrollment as a citizen by blood of the Choctaw Nation should be and is hereby dismissed.

Commissioner.

Muskogee, Indian Territory,

JAN 14 1907

23-936.

COPY

Muskogee, Indian Territory, January 14, 1907.

Robert Mouser,

Indianola, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 14, 1907, dismissing the application for the enrollment of Eddie Mouser, as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl. 23-936.

23-936

COPY

Muskogee, Indian Territory, January 14, 1907.

Mansfield, McMurray and Cornish,

Attorneys for Choctaw and Chickasaw Nation,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 14, 1907, dismissing the application for the enrollment of Eddie Houser, as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 23-936.

COPY

Muskogee, Indian Territory, January 14, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Eddie Mouser, as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 14, 1907, dismissing the application.

Respectfully,

SIGNED Tams Dixby

Commissioner.

2 Incl. 23-936.

Through the
Commissioner of Indian Affairs.

7-350

Muskogee, Indian Territory, August 15, 1906.

Lizzie Mouser,

Indianola, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of July 21, 1906, enclosing affidavits of yourself and Harriet Pitts to the birth of Eddie Mouser, child of Robert and Lizzie Mouser, May 14, 1903.

It appears from the affidavits that Eddie Mouser died on April 6, 1904, and you are advised that the Act of Congress approved April 26, 1906, provided only for the enrollment of children who were living on March 4, 1906.

Respectfully,

Commissioner.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

Robert Vogel,

Indianola, Indian Territory.

Choc. Minor 937

Lessie Arena McCary

M937

7-4403

Muskogee, Indian Territory, August 7, 1906.

William F. McCary,

Tegate, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of the affidavits of Dora E. McCary and J. L. Clark to the birth of Lessie Arena McCary, child of William F. and Dora E. McCary, February 20, 1906.

Respectfully,

Commissioner.

NEW BORN

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Lessie Arena McCary

as a citizen of

CHOCTAW

..... Nation.

Approved NOV 28 1906 190...

.....

Commissioner.

Born Feb. 20, 1906

ACT OF CONGRESS APPROVED APRIL 26, 1906.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

FILED
AUG 7 - 1906

CHOCTAW

N.B. 937

RECEIVED
JUL 12 1906

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS. APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Lessie Arena McCary, born on the 20th day of Feb 1906
[Here insert name of child]

Name of Father: William F. McCary, a citizen of the Nation.

Name of Mother: Dora E. McCary nee Dora Burkett, a citizen of the Choctaw Nation.

Tribal enrollment of father Tribal enrollment of mother Choctaw

Postoffice Legate, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, 26th District.

I, Dora E. McCary on oath state that I am 28 years of age and a citizen by Birth/Blood of the Choctaw Nation; that I am the lawful wife of Wm F. McCary, who is a citizen, by Marriage of the Choctaw Nation; that a Female child was born to me on 20th day of Feb 1906; that said child has been named Lessie Arena McCary and was living March 4, 1906.
[Male or Female]

Dora E. McCary nee Dora Burkett

WITNESSES TO MARK:

[Must be Two Witnesses] W F McCary

J L Clark

Subscribed and sworn to before me this 27th day of June 1906.

G L Ford

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, 26th District.

I, J. L. Clark, a Physician on oath state that I attended on Mrs Dora E. McCary wife of Wm F. McCary on the 20th day of Feb 1906; that there was born to her on said date a Female child; that said child was living March 4, 1906, and is said to have been named Lessie Arena McCary
[Male or Female]

J L Clark M.D.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 27th day of June 1906.

G L Ford

Notary Public.

Choc. Minor 938

Lucie Wilson

M938

NEW BORN doc

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Lucia Wilson

as a citizen of

Choctaw Nation.

Approved NOV 28 1906 190...

Commissioner.

Bm March 3, 1906

ACT OF CONGRESS APPROVED APRIL 26, 1906.

DEPARTMENT OF THE INTERIOR

JUL 21 1906

CHOCTAW

N.B. 938

RECEIVED
JUL 18 1906

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Lucie Wilson [Here insert name of child], born on the 3rd day of March 1906

Name of Father: Able Wilson, a citizen of the Choctaw Nation.

Name of Mother: Mary Wilson, a citizen of the Choctaw Nation.

Tribal enrollment of father by Blood Tribal enrollment of mother by Blood

Postoffice Caney Coal Co.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Mary Wilson, on oath state that I am Adult F.T. years of age and a citizen by Blood, of the Choctaw Nation; that I am the lawful wife of Able Wilson, who is a citizen, by Blood, of the Choctaw Nation; that a Female [Male or Female] child was born to me on 3rd day of March, 1906; that said child has been named Lucie Wilson, and was living March 4, 1906.

Mary Wilson

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 16th day of July 1906.

Edmiston Phillips
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Lynda Myers, a Midwife, on oath state that I attended on Mary Wilson, wife of Able Wilson, on the 3rd day of March, 1906; that there was born to her on said date a Female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Lucie Wilson

Lynda Myers
mark

WITNESSES TO MARK:

[Must be Two Witnesses] Noah Dickins
C. L. Dallashide

Subscribed and sworn to before me this 16 day of July 1906.

Edmiston Phillips
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the date of the birth and the death of Lucie Wilson, Choctaw Minor Citizen, Roll No. 811.

D E C I S I O N.

It appears from the records of the Commissioner to the Five Civilized Tribes that Lucie Wilson has been duly enrolled as a minor citizen of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906, (34 Stats., 137), her name appearing upon a schedule constituting a part of the final roll of such citizens approved by the Secretary of the Interior December 20, 1906, opposite number 811.

It further appears that on February 27, 1907, Abel Wilson, the father of the said Lucie Wilson, appeared before the Choctaw Land Office of the Commissioner to the Five Civilized Tribes, Atoka, Indian Territory, and made application for the selection of an allotment in the name of his said daughter, Lucie Wilson, deceased, Choctaw Minor Citizen, Roll No. 811, and at that time submitted affidavits of himself, his wife, Mary Wilson, the mother of said Lucie Wilson and Sarah Battiest, which affidavits were subscribed and sworn to on February 27, 1907, before W. H. Martin, a notary public in and for the Central District of Indian Territory, and in said affidavits it is alleged that the death of said Lucie Wilson occurred on March 3, 1906. On the same date the testimony of Abel Wilson, Mary Wilson and Sarah Battiest was taken relative to the date of the birth and death of the said Lucie Wilson.

The evidence so submitted was of such conflicting character that an investigation was ordered to determine whether or not the said Lucie Wilson was living March 4, 1906, and was entitled to enrollment as a minor citizen of the Choctaw Nation under the provisions of section two of the Act of Congress approved April 26, 1906, (34 Stats., 137).

The record herein is the result of such investigation and I am of the opinion that the evidence clearly shows that the birth and death of said Lucie Wilson, whose name appears upon the final roll of minor citizens of the Choctaw Nation opposite number 811, occurred subsequent to March 4, 1906, and that she is not, therefore, entitled to share in the distribution of the tribal property of the Choctaw and Chickasaw Nations.

Thos Ryan

Commissioner to the Five Civilized Tribes.

Muskogee, Oklahoma.

FEB 2 1909

Muskogee, Oklahoma, February 28, 1908.

Subject:

Death of Lucie Wilson,
a Choctaw.

.....

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record in the matter of the death of Lucie Wilson, Choctaw Minor Child Roll No. 811, enrolled under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), whose name appears upon a schedule constituting a part of the final roll of such citizens approved by the Secretary of the Interior December 20, 1906.

It appearing that a question had arisen as to whether the said Lucie Wilson was living on March 4, 1906, as provided by the Act of Congress approved April 26, 1906 (34 Stats., 137), I have the honor to report that an investigation was made under the direction of this office and, as the result thereof, a decision was rendered February

25, 1908, holding that the evidence clearly shows that both the birth and death of Lucie Wilson, whose name appears upon the final roll of minor citizens of the Choctaw Nation, occurred subsequent to March 4, 1906, and that she is not, therefore, entitled to share in the distribution of the tribal property of the Choctaw and Chickasaw Nations.

No selection of an allotment of the lands of the Choctaw and Chickasaw Nations has been made in the name of the said Lucie Wilson.

Inasmuch as it appears that Lucie Wilson was not living on March 4, 1906, as provided by the Act of Congress approved April 26, 1906 (34 Stats., 137), I have the honor to recommend that upon the copies of the final roll of citizens by blood of the Choctaw Nation, enrolled under the provisions of said Act of Congress, in the possession of the Department and Indian Office there be placed opposite the name of Lucie Wilson, as it appears thereon at No. 811, the following notation:

"Not living on March 4, 1906;
not entitled to land or money",

and also upon the original letter, and copies thereof, transmitting the schedule containing the name of Lucie Wilson for Departmental action.

It is also recommended that this office be authorized to make like notation upon the copies of the final roll and letter of transmittal in its possession.

Respectfully,

WPC(VR 268)

Acting Commissioner.

Through the
Commissioner of
Indian Affairs.

7-3851

Muskogee, Indian Territory, July 24, 1906.

A. D. Phillips,

Caney, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 17, 1906, transmitting the affidavits of Mary Wilson and Lynda Myers to the birth of Lucie Wilson , child of Abile Wilson and Mary Wilson, July 3, 1906.

It appears from the caption of this affidavit that this child was born July 3, 1906 and for the purpose of having the correct date of the birth, there is enclosed herewith blank application which please have filled out and return to this office as early as possible.

Respectfully,

Commissioner.

23-938
23-686

Muskogee, Indian Territory, October 19, 1906.

A. D. Phillips,
Caney, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 17, 1906, asking if Lucie Wilson and Lula Belle Sharkey have been approved.

In reply to your letter you are advised that affidavits heretofore forwarded to the birth of Lula Belle Sharkey and Lucie Wilson have been filed as applications for the enrollment of these children, but their names have not yet been placed upon a schedule of citizens by blood of the Choctaw Nation under the Act of Congress approved April 26, 1906. In the event further evidence is necessary to enable this office to pass upon their right to enrollment you will be notified.

You will be notified when the enrollment of these children are approved by the Secretary of the Interior.

Respectfully,

Commissioner.

23-938

Muskogee, Indian Territory, December 15, 1906.

Abel Wilson,

Caney, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 8, 1906, stating that you are having your son Rayson Wilson appointed administrator of the estate of your deceased daughter Lucy Wilson and you request that you be notified as soon as she is approved and that no one else be notified.

In reply to your letter you are advised that the name of Lucie Wilson has been placed upon a schedule of minor citizens of the Choctaw Nation under the Act of Congress approved April 26, 1906 which has been forwarded to the Secretary of the Interior and you will be notified of the approval of his enrollment.

Respectfully,

Commissioner.

23-938

Muskogee, Indian Territory, April 13, 1907.

Melton Wright,
Box 46,
Caney, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 30, 1907, in which you ask why the child of Abel Wilson is not on the roll.

In reply to your letter you are advised that you do not give the name of the child to whom you refer, but you are informed that Lucie Wilson, child of Able and Mary Wilson, as a minor citizen of the Choctaw Nation under the Act of Congress approved April 26, 1906, was approved by the Secretary of the Interior December 20, 1906.

Respectfully,

Commissioner.

23-938

Muskogee, Indian Territory, April 17, 1907.

Melton Wright,
Box 46,
Caney, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 30, 1907, in which you ask why the child of Abel Wilson is not on the roll.

In reply to your letter you are advised that you do not give the name of the child to whom you refer, but you are informed that the enrollment of Lucie Wilson, child of Able and Mary Wilson, as a minor citizen of the Choctaw Nation under the Act of Congress approved April 26, 1906, was approved by the Secretary of the Interior December 20, 1906.

Respectfully,

Commissioner.

DEPARTMENT OF THE INTERIOR,
I.T. 15481-1908. OFFICE OF INDIAN AFFAIRS,

EWB WASHINGTON. April 18, 1908.

Subject: Date of death of Lucie Wilson.

—

Commissioner to the Five Civilized Tribes,

Muskogee, Oklahoma.

Sir:

Referring to a communication from Acting Commissioner Ryan, dated February 28, 1908, relative to the date of the death of Lucie Wilson, you are advised that on April 15, 1908, the Department granted authority for you to place opposite the name of Lucie Wilson as it appears at No. 811 on the final roll of citizens by blood of the Choctaw Nation, in the possession of your office, the following notation:

Not living on March 4, 1906;
not entitled to land or money.

Similar notations have been made on the copies of the roll in the possession of the Department and this office.

A copy of Office letter of April 14, submitting the matter to the Department, is enclosed.

Very respectfully,

(SIGNED) C. F. Larrabee,

EH Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

I.T. 15401-1908.

WASHINGTON. April 14, 1908.

EWR

Subject: Date of death of Lucie Wilson.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit a communication from Acting Commissioner Ryan, dated February 28, 1908, enclosing the record in the matter of the date of the death of Lucie Wilson, Choctaw Minor Child Roll No. 811, enrolled under the provisions of the Act of Congress of April 26, 1906 (34 Stat., L. 137).

Some question having arisen as to whether Lucie Wilson was living on March 4, 1906, as provided by the above mentioned Act, the Commissioner directed that an investigation be made, and on February 25, 1908, he rendered a decision holding that the evidence clearly shows that both the birth and death of Lucie Wilson occurred subsequent to March 4, 1906.

The Office respectfully recommends that there be placed opposite the name of Lucie Wilson as it appears at No. 811 on the final roll of citizens by blood of the Choctaw Nation, enrolled under the provisions of the Act of April 26, 1906, in the possession of the Department and this

Office, the following notation:

Not living on March 4, 1906;
not entitled to land or money;

and that the Commissioner to the Five Civilized Tribes be authorized to make a similar notation on the copy of the roll in his office.

Very respectfully,

(SIGNED) C. F. Larrabee,

Acting Commissioner.

EH

April 15, 1908.

Approved:

(SIG) Jesse E. Wilson

Assistant Secretary.

Muskogee, Oklahoma, April 23, 1908.

Chief Clerk,

Chickasaw Land Office,

Ardmore, Oklahoma.

Sir:

There is enclosed you herewith a copy of Indian Office letter of April 18, 1908 (I.T. 15401-1908), accompanied by a copy of the report and recommendation of the Acting Commissioner of Indian Affairs of April 14, 1908, approved by the Department April 15, 1908, granting authority to place opposite the name of Lucie Wilson appearing opposite No. 811 of the final roll of citizens by blood of the Choctaw Nation, enrolled under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), the following notation:

Not living on March 4, 1906;
not entitled to land or money.

In conformity with the authority therein contained you are directed to place the above notation upon the necessary records in your possession.

Respectfully,

(LOG 23-4)

Commissioner.

Muskogee, Oklahoma, April 23, 1908.

Chief Clerk,

Choctaw Land Office,

Atoka, Oklahoma.

Sir:

There is enclosed you herewith a copy of Indian Office letter of April 18, 1908 (I.T. 15401-1908), accompanied by a copy of the report and recommendation of the Acting Commissioner of Indian Affairs of April 14, 1908, approved by the Department April 15, 1908, granting authority to place opposite the name of Lucie Wilson appearing opposite No. 811 of the final roll of citizens by blood of the Choctaw Nation, enrolled under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), the following notation:

Not living on March 4, 1906;
not entitled to land or money.

In conformity with the authority therein contained you are directed to place the above notation upon the necessary records in your possession.

Respectfully,

(LCC 23-3) Commissioner.

Muskogee, Oklahoma, April 25, 1908.

Chief Clerk,

Choctaw-Chickasaw Division,

General Office.

Sir:

There are enclosed you herewith two copies of Indian Office letter of April 18, 1908 (I.T. 15401-1908), accompanied by copies of the report and recommendation of the Acting Commissioner of Indian Affairs of April 14, 1908, approved by the Department April 15, 1908, granting authority to place opposite the name of Lucie Wilson appearing opposite No. 611 of the final roll of citizens by blood of the Choctaw Nation, enrolled under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), the following notation:

Not living on March 4, 1906;
not entitled to land or money.

In conformity with the authority therein contained you are directed to place the above notation upon the necessary records in your possession.

Respectfully,

(LOG 23-2)

Commissioner.

Choc. Minor 939
Jefferson Davis Wilkins

M939

[illegible]

"[illegible] that
Grain Notices and
Lapse [illegible] are
[illegible] by me
[illegible] Boards of Natri-
[illegible] on This 4 day of
May 1914."

Joseph H. Parkins
Municipal Treasurer
of Sugar City Dist.

Original Marriage Certificate
in Choctaw issued to
[illegible] by the preacher.

nana ishi akhlokowa chappat
Adam Wilkins ; micha
Siffie Moore chappat
nunukup a amia ha aforka mako
itti hatali Chihohlas himak hosh
nilaa 4 day A. D. 1904
Joseph H. Jackson Okanompe ishi
Pastor of Sugar Loaf District

NEW BORN

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Jefferson Davis Wilkins

as a citizen of

Chactaw Nation.

Approved ..... 190...

.....

Commissioner.

Born Feb. 24, 1906

ACT OF CONGRESS APPROVED APRIL 26, 1906.

DEPARTMENT OF THE INTERIOR

AUG 7- 1906

CHOCTAW

RECEIVED

JUL 24 1906

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Jefferson Davis Wilkins born on the 29 day of February 1906
[Here insert name of child]

Name of Father: Adam Wilkins a citizen of the Choctaw Nation.

Name of Mother Liffie Moore a citizen of the Choctaw Nation.

Tribal enrollment of father Full Blood Choc Tribal enrollment of mother Full Blood Choctaw

Postoffice Shady Point, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Liffie Moore, on oath state that I am about 19 years of age and a citizen by blood, of the Choctaw Nation; that I am the lawful wife of Adam Wilkins, who is a citizen, by blood, of the Choctaw Nation; that a male child was
[Male or Female]
born to me on 29 day of February 1906; that said child has been named Jefferson Davis Wilkins and was living March 4, 1906.

Liffie Moore

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 19 day of July 1906.

W. H. Phillips
Notary Public.

AFFIDAVIT OF ATTENDING [illegible] MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Nellie Willis a midwife, on oath state that I attended on Liffie Moore, wife of Adam Wilkins on the 29 day of February 1906; that there was born to her on said date a male
[Male or Female]
child; that said child was living March 4, 1906, and is said to have been named Jefferson Davis Wilkins

Nellie Willis

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 19 day of July 1906.

W. H. Phillips
Notary Public.

939

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Jefferson Davis Wilkins

as a citizen of

Choctaw Nation.

Approved NOV 24 1906 190...

Commissioner.

Born Feb. 28. 1906

ACT OF CONGRESS APPROVED APRIL 26, 1906.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER FIVE CIVILIZED TRIBES.
RECEIVED
NOV 16 1906

CHOCTAW
N 1534

Application received July 24 1906

BIRTH AFFIDAVIT. 189

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Jefferson Davis Wilkins born on the 28 day of February 1906
[Here insert name of child]

Name of Father: Adam Wilkins a citizen of the Choctaw Nation.

Name of Mother: Liffie Wilkins a citizen of the Choctaw Nation.

Tribal enrollment of father Full blood Tribal enrollment of mother Full-blood

Postoffice Shady Point Ind. Ty.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Liffie Wilkins on oath state that I am about 19 years of age and a citizen by blood of the Choctaw Nation; that I am the lawful wife of Adam Wilkins, who is a citizen, by blood of the Choctaw Nation; that a male child was
[Male or Female]
born to me on 28 day of February 1906; that said child has been named Jefferson Davis Wilkins and was living March 4, 1906.

Liffie Wilkins

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 10th day of Nov. 1906.

Clara Bloomer
Notary Public.

Com. Ex. Oct. 30, 1910.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Nellie Willis a Midwife on oath state that I attended on Liffie Wilkins, wife of Adam Wilkins on the 28 day of February 1906; that there was born to her on said date a male
[Male or Female]
child; that said child was living March 4, 1906, and is said to have been named Jefferson Davis Wilkins

Nellie Willis

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 10th day of Nov. 1906

Clara Bloomer
Notary Public.

Comm. Exp. Oct. 30, 1910.

Shady Point, I. T. July 24 - 06.

Com ission to the Five Tribes

Muskogee, I.T.

Sir:

A few days ago I send you an applicatiem for the Enrollment of my child Jefferson Davis Wilkins as a new born citizen and I also send you our marriage certificate which was given to us by a Choctaw Preacher who performed the ceremony.

When you get through with the Marriage Certificate please return it to me.

If you want to look for my wife's name please look for her father's & mother's name.Their name is William Moore and Ellen Moore.

My Wife's name is Liffie Moore registered under her father.

The original certificate is written in Choctaw but I translated it & wrote it on another paper for you to read. I wrote it in a hurry and I might have written it May 4, 1906 but it is May 4, 1904 in the original.

We were married May 4, 1904. If I got it in the translation May 4, 1906, please change or correct if there is anything wrong in dates.

If you have our patents ready please send it to us.

We are both Full bloods and we are anxious to get our patents.

Please don't forget to send the Marriage certificate to oblige.

Yours truly

Adam Wilkins

Shady Point, I.T.

7-2713
7-2364

Muskogee, Indian Territory, August 7, 1906.

Adam Wilkins,

Shady Point, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 24, 1906, in which you state that a few days ago you forwarded an application for the enrollment of your child, Jefferson Davis Wilkins, as a new born citizen of the Choctaw Nation, together with your marriage certificate which was given to you by a Choctaw preacher who performed the ceremony. You also state that the names of the parents of your wife, Liffie Moore, are William and Ellen Moore. You also ask when patents will be issued to your land.

In reply you are advised that the information contained in your letter has enabled this office to identify your wife as an enrolled citizen by blood of the Choctaw Nation, and the affidavits heretofore forwarded to the birth of your child, Jefferson Davis Wilkins, have been filed as an application for his enrollment.

The marriage certificate forwarded with the application for the enrollment of your child has been filed with the records of this office.

A. W. (2)

Your request to be advised when patents will be issued to your land will be made the subject of a separate communication.

Respectfully,

Commissioner.

23-939

Muskogee, Indian Territory, October 26, 1906.

Adam Wilkins,

Shadypoint, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 19, 1906, asking when you can file for your child Jefferson Davis Wilkins.

In reply to your letter you are advised that the affidavits heretofore forwarded give the date of the birth of your child Jefferson Davis Wilkins as February 29, 1906. Inasmuch as February 1906 did not contain twenty-nine days it will be necessary that you forward new affidavits of the mother and midwife giving the correct date of the birth of this child. This matter should receive immediate attention and for the purpose of forwarding these affidavits there is inclosed herewith a new blank. Inasmuch as Liffie Moore is now your wife, the affidavit of the mother should be signed under her present name of Liffie Wilkins.

Respectfully,

Commissioner.

B.C.

23-939

Muskogee, Indian Territory, November 16, 1906.

Adam Wilkins,

Shadypoint, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 10, 1906, inclosing affidavits of Liffie Wilkins and Nellie Willis to the birth of Jefferson Davis Wilkins, child of Adam and Liffie Wilkins, February 28, 1906, and the same have been filed in the matter of the enrollment of said child.

Respectfully,

Commissioner.

Choc. Minor 940

Luther Leonidas Neal

M940

NB 940 Jac APR

IN RE

Application for Enrollment of

INFANT CHILD

[illegible] Veal

as a citizen of

[illegible] Nation.

Approved, NOV 28 1906 190

Commissioner.

APR 26 1906

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Luther Leonidas Neal, born on the 24 day of ~~April~~ February, 1906
(Here insert name of child.)
Name of Father: Alvin Neal, a citizen of the US ~~Nation~~
Name of Mother: Minnie Neal, a citizen of the Choctaw Nation.
Post-office, Kiowa I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
~~INDIAN TERRITORY.~~ Central District. }

I, Minnie Neal, on oath state that I am 24
years of age and a citizen, by Blood, of the Choctaw Nation;
that I am the lawful wife of Alvin Neal, who is not a citizen, ~~by blood~~
~~Choctaw~~, of the ~~Choctaw~~ Nation, that a Male child was
born to me on the 24 day of February 1906, that said child has been
named Luther Leonidas Neal, and is now living.

Minnie Neal

WITNESSED TO MARK

(Must be Two Witnesses) }

Subscribed and sworn to before me this 14 *day of* April 1906.

A B Lowery
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
~~INDIAN TERRITORY.~~ Central District. }

I, S W Jackson, a Physician, on oath state that I
attended on Mrs. Minnie Neal, wife of Alvin Neal,
on the 24 day of February, 1906; that there was born to her on
said date a Male child; that said child is now living and is said to have been
named Luther Leonidas Neal.

S W Jackson M.D.

WITNESSED TO MARK:

(Must be Two Witnesses) }

Subscribed and sworn to before me this 14 *day of* April 1906.

A B Lowery
NOTARY PUBLIC

NB 940 Acc 20 APR

IN RE

Application for Enrollment of

INFANT CHILD

[illegible] [illegible] Veal

as a citizen of

[illegible] Nation.

Approved, NOV 28 1906 190

Commissioner.

NB 940 APR 26 1906

23-940

Muskogee, Indian Territory, December 8, 1906.

Alvin Neal,

Kiowa, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 29, 1906, asking the status of the application for the enrollment of your child Luther Leonidas Neal.

In reply to your letter you are advised that the name of your child Luther Leonidas Neal has been placed upon a schedule of minor citizens of the Choctaw Nation under the Act of Congress approved April 26, 1906, which has been forwarded the Secretary of the Interior and you will be notified when his enrollment is approved by the Department.

Respectfully,

Acting Commissioner.

Choc. Minor 941

Thomas Ralls Summitt

M941

Duplicate record in Choc. #4451

Refused Jan 16, 1907

Copy of decision forwarded applicant Jan 16, 1907.

Copy of decision forwarded attorney for applicant Jan 16, 1907.

Copy of decision forwarded attorneys for Choc. and Chick. Nations Jan 16, 1907.

Record forwarded Dept. Jan 16, 1907.

Action approved by Secretary of Interior Mar 4, 1907.

Notice of Dept. action forwarded attorneys for Choc. + Chick. Nations Apr. 13, 1907.

Notice of Dept. action forwarded attorneys for applicant Apr. 13, 1907.

Notice of Dept. action mailed applicant Apr. 13, 1907.

7-4431
23-942
941
C-17

O.L.J

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William C. York, et al., as citizens of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein and from the records of the Commission to the Five Civilized Tribes that on September 2, 1899, application was made for the enrollment of William C. York (forty-seven years of age), as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Sarah York (forty years of age), and his six minor children, Maud E. (twenty years of age), Leslie O. (eighteen years of age), Mabel L. (seventeen years of age), Erda C. (fifteen years of age), Willie P. (thirteen years of age), and Benjamin York (eight years of age), as citizens of the Choctaw Nation.

It further appears from the records of the Commission to the Five Civilized Tribes that on September 7, 1896 in the case entitled "W. C. York vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 241), original application was made to said Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for admission to citizenship in the Choctaw Nation of the applicant, William C. York (as W. C. York), as a citizen by intermarriage thereof, and for the admission of his wife, Sarah York, and his six children, Maud E. York, Lelsie O. York, Mabel L. York, Erda York, Willie P. York and Ben York, as citizens byblood of said nation; and that subsequent thereto said Commission rendered its decision therein denying said application.

Thereafter an appeal was taken to the United States Court for the Central District of the Indian Territory, and on July 13, 1897, in the case entitled "W.C. York, et al., vs. Choctaw Nation" (Central District Citizenship Case No. 46), said court rendered its decision therein, wherein it was "considered, ordered and adjudged by the court that W. C. York is entitled to be enrolled as a citizen or member of said tribe by intermarriage. That his wife, Sarah York, and his children, Maud E. York, Leslie O. York, Mabel L. York, Erda York, Willie P. York and Ben York, are entitled to be enrolled as members of said Choctaw tribe or nation by blood".

On December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Central District of Indian Territory.

On September 20, 1904, the Commission to the Five Civilized Tribes entered of record an order dismissing the application for the enrollment of William C. York, Sarah York, Maud E. York, Leslie O. York, Mabel L. York, Erda C. York, Willie P. York and Benjamin York, in accordance with the opinion of the Acting Attorney General of May 9, 1904 (I.T.D. 3824-1904), and the opinion of

the Assistant Attorney General for the Department of the Interior dated July 30, 1904 (I.T.D. 5246-1906).

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 16, 1906, by J. G. Ralls, attorney at law, Atoka, Indian Territory, a petition praying for the enrollment of William C. York and Dena York as citizens by intermarriage of the Choctaw Nation, and for the enrollment of Sarah A. York, Maud Ella York, Leslie O. York, Mabel Lee Summitt (nee York), Erda C. York, Willie Pearl York, Benjamin H. York, Tabitha A. York, J. C. York and Tom Ralls Summitt as citizens of said nation.

On July 25, 1906, written application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Tabitha A. York (born July 20, 1903), J. C. York (born November 24, 1904), and Thomas Ralls Summitt (born January 20, 1905), as citizens of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It is alleged in the petition that all of the applicants herein, with the exception of William C. York and Dena York, are lineal descendants of Sam Ward, a white man, who is alleged to have been a citizen by intermarriage of the Choctaw Nation by reason of his marriage in 1848 to Minerva Thompson, an alleged Choctaw Indian.

It appears from the record herein and from the records of this office that Sarah York is the daughter of Sam Ward (now deceased), and Eliza Ward (now deceased), an alleged Cherokee by blood; that Maud E. York, Leslie O. York, Mabel L. York, Erda C. York, Willie P. York, and Benjamin York are the children of said Sarah York and the applicant, William C. York; that Tabitha A. York and J. C. York are the children of Leslie O. York and Wardeane York, a non-citizen white woman; and that Thomas Ralls Summitt is the son of Mabel L. York (now Summitt), and William H. Summitt, a non-citizen white man.

It further appears from the record herein that William C. York claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage on February 2, 1876, to the applicant, Sarah A. York, and that Dena York claims her right to enrollment as a citizen by intermarriage of said nation by reason of her marriage to the applicant, Leslie O. York, on August 20, 1902.

It does not appear from the records in the possession of this office that any application has ever been made for the enrollment of Dena York as a citizen by intermarriage of the Choctaw Nation prior to December 1, 1905.

Upon an examination of the tribal rolls of the Choctaw Nation in the possession of this office it appears that the applicants, Sarah York, Maud E. York, Leslie O. York, Mabel L. York, Erda C. York, Willie P. York and Benjamin York, are identified upon the 1896 Choctaw census Roll, Atoka County, opposite numbers 14235, 14236, 14237, 14238, 14239, 14240, and 14241, respectively.

It does not appear from the records in the possession of this office that any of the applicants herein has ever been enrolled by the Cherokee tribal authorities as a member of the Cherokee tribe, or admitted to Cherokee citizenship by any duly constituted authority.

I am, therefore, of the opinion that following the ruling of the Department of April 24, 1906, (I.T.D. 4048-1906), in the case of Mary Elizabeth Martin, the application and petition for the enrollment of Sarah York, Maud E. York, Leslie O. York, Mabel L. York, Erda C. York, Willie P. York and Benjamin York as citizens of the Choctaw Nation should be denied, under the provisions

of the Act of Congress approved June 28, 1898, (30 Stats., 495), and that the order of the Commission to the Five Civilized Tribes of September 20, 1904, dismissing said application should be rescinded, and it is so ordered.

I am further of the opinion that the application and petition for the enrollment of William C. York as a citizen by intermarriage of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and that the order of the Commission to the Five Civilized Tribes of September 20, 1905, dismissing said application should be rescinded and it is so ordered.

I am further of the opinion that under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), I am without authority to receive or consider any application for the enrollment of Dena York as a citizen by intermarriage of the Choctaw Nation, that I should decline to receive the same, and that the petition for her enrollment as such should be denied, and it is so ordered.

I am further of the opinion that the application and petition for the enrollment of Tabitha A. York, J. C. York and Thomas Ralls Summitt as citizens of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), as amended by the Act of Congress approved June 21, 1906 (Public No. 258), and it is so ordered.

Tams Bixby,
Commissioner.

Muskogee, Indian Territory.
Jan. 16, 1907.

Choc. Minor 942

Tabetha A. York
J.C. "

M.942

Duplicate record in Choc. #4431.
Refused Jan 16, 1907.
Copy of decision forwarded applicant Jan 16, 1907.
Copy of decision forwarded attorney for applicant Jan 16, 1907.
Copy of decision forwarded attorneys for Choc. + Chick. Nations 1-16-07.
Record forwarded Dept. 1-16-07.
Action approved by Secretary of Interior 3-4-07.
Notice of Dept. action forwarded attorneys for Choc. + Chick. Nations 4-13-07.
Notice of Dept. action mailed applicant 4-13-07.

7-4431
23-942
941
C-17

O.L.J

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William C. York, et al., as citizens of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein and from the records of the Commission to the Five Civilized Tribes that on September 2, 1899, application was made for the enrollment of William C. York (forty-seven years of age), as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Sarah York (forty years of age), and his six minor children, Maud E. (twenty years of age), Leslie O. (eighteen years of age), Mabel L. (seventeen years of age), Erda C. (fifteen years of age), Willie P. (thirteen years of age), and Benjamin York (eight years of age), as citizens of the Choctaw Nation.

It further appears from the records of the Commission to the Five Civilized Tribes that on September 7, 1896 in the case entitled "W. C. York vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 241), original application was made to said Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for admission to citizenship in the Choctaw Nation of the applicant, William C. York (as W. C. York), as a citizen by intermarriage thereof, and for the admission of his wife, Sarah York, and his six children, Maud E. York, Lelsie O. York, Mabel L. York, Erda York, Willie P. York and Ben York, as citizens byblood of said nation; and that subsequent thereto said Commission rendered its decision therein denying said application.

Thereafter an appeal was taken to the United States Court for the Central District of the Indian Territory, and on July 13, 1897, in the case entitled "W.C. York, et al., vs. Choctaw Nation" (Central District Citizenship Case No. 46), said court rendered its decision therein, wherein it was "considered, ordered and adjudged by the court that W. C. York is entitled to be enrolled as a citizen or member of said tribe by intermarriage. That his wife, Sarah York, and his children, Maud E. York, Leslie O. York, Mabel L. York, Erda York, Willie P. York and Ben York, are entitled to be enrolled as members of said Choctaw tribe or nation by blood".

On December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Central District of Indian Territory.

On September 20, 1904, the Commission to the Five Civilized Tribes entered of record an order dismissing the application for the enrollment of William C. York, Sarah York, Maud E. York, Leslie O. York, Mabel L. York, Erda C. York, Willie P. York and Benjamin York, in accordance with the opinion of the Acting Attorney General of May 9, 1904 (I.T.D. 3824-1904), and the opinion of

the Assistant Attorney General for the Department of the Interior dated July 30, 1904 (I.T.D. 5246-1906).

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 16, 1906, by J. G. Ralls, attorney at law, Atoka, Indian Territory, a petition praying for the enrollment of William C. York and Dena York as citizens by intermarriage of the Choctaw Nation, and for the enrollment of Sarah A. York, Maud Ella York, Leslie O. York, Mabel Lee Summitt (nee York), Erda C. York, Willie Pearl York, Benjamin H. York, Tabitha A. York, J. C. York and Tom Ralls Summitt as citizens of said nation.

On July 25, 1906, written application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Tabitha A. York (born July 20, 1903), J. C. York (born November 24, 1904), and Thomas Ralls Summitt (born January 20, 1905), as citizens of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It is alleged in the petition that all of the applicants herein, with the exception of William C. York and Dena York, are lineal descendants of Sam Ward, a white man, who is alleged to have been a citizen by intermarriage of the Choctaw Nation by reason of his marriage in 1848 to Minerva Thompson, an alleged Choctaw Indian.

It appears from the record herein and from the records of this office that Sarah York is the daughter of Sam Ward (now deceased), and Eliza Ward (now deceased), an alleged Cherokee by blood; that Maud E. York, Leslie O. York, Mabel L. York, Erda C. York, Willie P. York, and Benjamin York are the children of said Sarah York and the applicant, William C. York; that Tabitha A. York and J. C. York are the children of Leslie O. York and Wardeane York, a non-citizen white woman; and that Thomas Ralls Summitt is the son of Mabel L. York (now Summitt), and William H. Summitt, a non-citizen white man.

It further appears from the record herein that William C. York claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage on February 2, 1876, to the applicant, Sarah A. York, and that Dena York claims her right to enrollment as a citizen by intermarriage of said nation by reason of her marriage to the applicant, Leslie O. York, on August 20, 1902.

It does not appear from the records in the possession of this office that any application has ever been made for the enrollment of Dena York as a citizen by intermarriage of the Choctaw Nation prior to December 1, 1905.

Upon an examination of the tribal rolls of the Choctaw Nation in the possession of this office it appears that the applicants, Sarah York, Maud E. York, Leslie O. York, Mabel L. York, Erda C. York, Willie P. York and Benjamin York, are identified upon the 1896 Choctaw census Roll, Atoka County, opposite numbers 14235, 14236, 14237, 14238, 14239, 14240, and 14241, respectively.

It does not appear from the records in the possession of this office that any of the applicants herein has ever been enrolled by the Cherokee tribal authorities as a member of the Cherokee tribe, or admitted to Cherokee citizenship by any duly constituted authority.

I am, therefore, of the opinion that following the ruling of the Department of April 24, 1906, (I.T.D. 4048-1906), in the case of Mary Elizabeth Martin, the application and petition for the enrollment of Sarah York, Maud E. York, Leslie O. York, Mabel L. York, Erda C. York, Willie P. York and Benjamin York as citizens of the Choctaw Nation should be denied, under the provisions

of the Act of Congress approved June 28, 1898, (30 Stats., 495), and that the order of the Commission to the Five Civilized Tribes of September 20, 1904, dismissing said application should be rescinded, and it is so ordered.

I am further of the opinion that the application and petition for the enrollment of William C. York as a citizen by intermarriage of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and that the order of the Commission to the Five Civilized Tribes of September 20, 1905, dismissing said application should be rescinded and it is so ordered.

I am further of the opinion that under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), I am without authority to receive or consider any application for the enrollment of Dena York as a citizen by intermarriage of the Choctaw Nation, that I should decline to receive the same, and that the petition for her enrollment as such should be denied, and it is so ordered.

I am further of the opinion that the application and petition for the enrollment of Tabitha A. York, J. C. York and Thomas Ralls Summitt as citizens of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), as amended by the Act of Congress approved June 21, 1906 (Public No. 258), and it is so ordered.

Tams Bixby,
Commissioner.

Muskogee, Indian Territory.
Jan. 16, 1907.

JP.
FHE.

D. C. 12853-1907.
LRS.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. March 4, 1907.

I. T. D.
6124, 6146, 6152, 6158, 6170-07.
6192, 6992, 7002, 7266, 7270- "
7294, 7326, 7344, 7366, 7374- "
7376, 7380, 7392, 7404, 7410- "
7414, 7418, 7442, 7472, 7478- "
7486, 7490, 7526, 7548, 7550- "
7552, 7554, 7556, 7558, 7594- "
7652, 7654, 7666, 7678, 7680- "
7684, 7686, 7696, 7698, 7708- "
7716, 7724, 7728, 7734- "

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw enrollment cases adverse to the applicants are hereby affirmed, viz:

Title of Case.	Date of your letter of transmittal.
Alex and Lee C. Lewis (Freedmen)	February 14, 1907.
Cora Bailey (Freedman)	February 13, 1907.
Virginia and Dave Colbert (Freedmen)	February 12, 1907.
Stella Marlow	February 15, 1907.
Jeanna Pollock, et al.,	December 24, 1906.
Ulysis and Sydney Frazier (Freedmen)	February 14, 1907.
Annie and Danier Carter (Freedmen)	February 14, 1907.
Margie Hall (Freedman)	February 16, 1907.
Lavera Perry (Freedmen)	February 7, 1907.
Willie and Bennie Roberts	February 6, 1907.
Clarence Vails	February 7, 1907.
Beatrice and Maudie Jeffres (Freedmen)	February 11, 1907.
L. P. Rhoades, et al.,	February 14, 1907.
Alrener Pitchlynn (Freedman)	February 11, 1907.
Henry and Minnie Reed (Freedmen)	February 11, 1907.
Vivian V. and Clyde Parks	February 11, 1907.
Marvin Clifford Manley	February 7, 1907.
Blanche M. Stark, et al.,	February 20, 1907.

Title of Case.	Date of your letter of transmittal.
James H. Law, (Intermarried)	February 6, 1907.
Bell Serna (Miss. Choc.)	February 7, 1907.
David and Variedell Powell (Freedmen)	February 7, 1907.
Sammie Blunt (Freedman)	February 7, 1907.
Clora and Annie Berry (Freedmen)	February 21, 1907.
Robert Thompson (Freedman)	February 21, 1907.
Washington and Wester Anthony (Freedmen)	February 21, 1907.
Ann and Emmett Walzen (Freedmen)	February 21, 1907.
Dee Wilson (Freedman)	February 20, 1907.
Blanch Johnson (Freedman)	February 16, 1907.
Luvena May Everett (Miss. Choc.)	February 23, 1907.
Viola Warrier (Freedman)	February 21, 1907.
Ella Folsom, et al., (Freedman)	February 21, 1907.
Edward Adamson (Freedman)	February 21, 1907.
Allie May and Ames Williams (Freedmen)	February 21, 1907.
John Ward, et al.,	January 23, 1907.
Frank P. Morgan (Intermarried)	January 24, 1907.
Marion James Robins (Freedman)	February 21, 1907.
William C. York, et al.,	January 16, 1907.
William S. Watters, et al.,	February 23, 1907.
Charley Bragns (Freedman)	February 21, 1907.
Mattie Marie Stewart, et al.,	February 25, 1907.
Robert McCoy (Freedman)	February 18, 1907.
George Chatman (Freedman)	February 21, 1907.
Louisa Perry (Freedman)	February 19, 1907.
John Albert Pantaky	February 26, 1907.
Nancy P. and Thurmey McLarty	February 26, 1907.
Rathes Checkey,	February 26, 1907.
Albert and Ermer Piggee (Freedmen)	February 26, 1907.
Weling McKinney, et al., (Freedmen)	February 26, 1907.

Copies of Indian Office letters submitting your reports and recommending that the decisions be approved, are inclosed.

A copy hereof and all the papers in the above-mentioned cases have been sent to the Indian Office.

Respectfully,

E. A. Hitchcock,

Secretary.

48 inc. and
98 for Ind. Of. with
copy hereof.
AFMc.
2-27-07.

Refer in reply to the following. 948/317 Copy.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Land.
6926-1907.
D. C. 12853

WASHINGTON. March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed record of the proceedings in the matter of the application for the enrollment of William C. York, et al., including the decision of Commissioner Bixby dated January 16, 1907, denying the application and petition for the enrollment of Sarah York, Maud E. York, Leslie O. York, Mabel L. York, Erda C. York, Willie P. York, Benjamin York, Tabitha A. York, J. C. York and Thomas Ralls Summit as citizens of the Choctaw Nation, denying the application and petition for the enrollment of William C. York, declining to receive or consider the application and denying the petition for the enrollment of Dena York as citizens by intermarriage of the Choctaw Nation.

The decision of Commissioner Bixby has been examined and found to be correct, and its approval is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

KBM-W

Choc. Minor 943

Raymond Winans

M943

Refused Jan 23, 1907.

Copy of decision forwarded applicant 1-23-07.

Copy of decision forwarded attorney for applicant 1-23-07.

Copy of decision forwarded attorneys for Choc. + Chick. Nations 1-23-07.

Record forwarded Dept. 1-23-07.

See 7-R-320 for record in this case. (see petition # W-34-701.)

Action approved by Secretary of Interior 3-4-07.

Notice of Dept. action forwarded attorneys for Choc. + Chick. Nations 4-13-07.

Notice of Dept. action forwarded attorney for applicant 4-13-07.

Notice of Dept. action mailed applicant 4-13-07.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
CHOCTAW LAND OFFICE.

Atoka, Indian Territory, June 30, 1906.

In the matter of the application for the enrollment of Raymond Winans as a citizen of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906.

ADA WINANS, being first duly sworn testified as follows:

Examination by the Commissioner:

Q What is your name? A Ada Winans.
Q What is your age? A Twenty-three.
Q What is your Post Office address? A Olney, I.T.
Q What is the name of your father? A Joe Ward.
Q What is the name of your mother? A Malissa Ward.
Q Are your father and mother both now living? A No sir, just my mother.
Q When did your father die? A He has been dead 21 years.
Q Have you any brothers or sisters? A No sir.
Q You are the only child? A Yes sir.
Q Do you claim to be a citizen by blood of the Choctaw Nation?
A Yes sir.
Q Do you make your claim through your father or mother?
A Through my father.
Q Has there ever been any application made for your enrollment as a citizen of the Choctaw Nation? A Yes sir.
Q Did you make the application or did your mother make it?
A My mother made it.
Q Did your mother ever marry more than once? A Yes sir.
Q Did she make the application under the name of Malissa Ward?
A Yes sir.
Q And she also made application for your enrollment under the name of Ada Ward? A Yes sir.
Q Do you know when she made application for the enrollment of herself and yourself? A No sir, I don't.
Q Do you know whether the application of your mother and yourself has ever been denied by the Commission to the Five Civilized Tribes or the Commissioner to the Five Civilized Tribes?
A No sir, I don't.
Q Did your mother ever make claim to enrollment as a citizen of the Cherokee Nation? A I don't know.
Q Do you know whether there has been any application filed with the Commissioner to the Five Civilized Tribes to re-open the enrollment cases of your mother and yourself? A No sir, I don't know.
Q Are you the mother of Raymond Winans, who now makes application for enrollment as a Choctaw New Born? A Yes sir.

(Witness Excused)

WALTER WINANS, being first duly sworn testified as follows:

Examination by the Commissioner.

Q What is your name? A Walter Winans.

Q What is your age? A Thirty-one.
Q What is your Post Office address? A Olney, I.T.
Q Are you the husband of Ada Winans who has just testified?
A Yes sir.
Q Are you the father of Raymond Winans for whom application has been made for enrollment as a Choctaw new born? A Yes sir.
Q How long have you been married to Ada Winans? A Seven years.
Q What was her name before you married her? A Ada Ward.
Q What was the name of her mother? A Malissa Taylor is her present name, she has married since.
Q What is the name of her present husband? A Ed. Taylor.
Q What was her name before she married Ed Taylor? A Malissa Ward.
Q Do you know whether Ada Winans and her mother ever made application to the Commission to the Five Civilized Tribes or the Commissioner to the Five Civilized Tribes, for enrollment as citizens of the Choctaw Nation? A Yes sir.
Q Do you know when they made such application? A 1898.
Q Well was the application dendied by the Commission? A Yes sir.
Q Have you made any application to the Commissioner to the Five Civilized Tribes to re-open their case? A Yes sir.
Q When was that application made? A Either in February or March of this year.
Q Did your wife make separate application to open her case?
A I think it is combined hers and her mothers.
Q You think her mother made application under the name of Malissa Taylor and also made application for your wife under the name of Ada Winans, to re-open the case? A Yes sir.
Q Well did your wife or her mother ever claim any rights in the Cherokee nation? Well I never have thoroughly understood just how the claim was, they have Choctaw blood and Cherokee too, and there is something about it that the Commission rejected them as Choctaws on account of their blood being from their mother and the Cherokees rejected them because they had always been in the Choctaw Nation.
Q Well then their application for enrollment as both Choctaws and Cherokees has heretofore been denied? A Yes sir, by the Tribes is the way I understand it.
Q Well do you know for a certainty whether they made application for enrollment to the Commission or Commissioner as both Choctaws and Cherokees? A No sir, as Choctaws.
Q Then the statement you made that their application for enrollment as both Choctaws and Cherokees to the Commission is not correct? A I can not say.
Q Do you know that their application for enrollment as Cherokees in 1898 was denied by the Department? A By the Cherokee Tribe.
Q Well have they ever made application to the Commission for enrollment? A Yes sir, as Choctaws.
Q When did they make that application? A In 1898, when they denied them as Choctaws they had to go to the Cherokee Nation.

(Witness Excused).

I, Charles Bozarth, stenographer to the Commissioner to the Five Civilized Tribes, on oath state that the above is a full, true and correct transcript of my stenographic notes as taken in said cause on said date.

Charles Bozarth

Subscribed and sworn to before me this 16 day of July, 1902.

W. F. Russell

Notary Public.

7-R-320
7-R-321
23-943
W-34
W-70

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John Ward, et al., as citizens of the Choctaw Nation.

D E C I S I O N.

It appears from the census card records in this case that in August, 1899 John Ward (42 years of age) appeared before the Commission to the Five Civilized Tribes and made application for enrollment of himself and his six minor children, Henrietta (16 years of age), Joseph Be (15 years of age), Chester A (11 years of age), William Edward (8 years of age), Elmer Owen (6 years of age) and Johnnie M Ward (4 years of age), as citizens of the Choctaw Nation and for the enrollment of his wife Nancy E. Ward (40 years of age) as a citizen by intermarriage of the Choctaw Nation. On October 9, 1899, application was made to said Commission by Sarah F. Ward (46 years of age), for the enrollment of hereself as a citizen by intermarriage of the Choctaw Nation and for the enrollment of her three minor children, Henry B (17 years of age), Grover C (14 years of age) and Francis F. Ward (13 years of age), as citizens of said Nation. On June 3, 1901, application was made for the enrollment of Addie Ward (now Winans) as a citizen of the Choctaw Nation and on May 6, 1903, application was made for the enrollment of Bertha D. Winans as a citizen of said Nation. June 30, 1906, written application was made for the enrollment of Raymond Winans as a citizen of the Choctaw Nation.

It further appears from the records in the possession of this office that on September 7, 1896, in the case entitled "John Ward and Sarah York vs. Cherokee Nation" (1896 Cherokee Citizenship case, No. 4529), original application was made to the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for the admission to citizenship in the Cherokee Nation of the applicants, John Ward, Nancy E Ward, Henrietta Ward, Joseph B. Ward, Chester A Ward, William Edward Ward, Elmer Owen Ward and Johnnie M Ward and that subsequent thereto said Commission rendered its decision therein denying said application, from which decision no appeal was taken.

It further appears that on September 7, 1896, in the case entitled Kljerry Fleetwood, et al., vs. Cherokee Nation" (1896 Cherokee Citizenship Case, No. 5572), original application was made to the Commission to the Five Civilized Tribes for the admission to citizenship in the Cherokee Nation of the applicants, Sarah F Ward, Henry B Ward, Grover C Ward and Francis F Ward, and that subsequent thereto said Commission rendered its decision therein denying said applicants as citizens of said nation. Thereafter an appeal was taken to the United States Court for the Northern District of the Indian Territory, wherein said applicants were admitted as citizens of the Cherokee Nation.

The records in the possession of this office further show that on September 9, 1896, in the case entitled "Jeremiah Ward vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 32), original application was made to the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321), for the admission of Jeremiah Ward as a citizen by intermarriage of the Choctaw Nation; for the admission of his wife, Sarah F. Ward as a citizen by intermarriage of the Choctaw Nation and for the admission of his three minor children, Henry B Ward, Grover C Ward and Francis F Ward, as citizens of said nation. Jeremiah Ward claimed his right to admission as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage to a Choctaw Indian woman, and Sarah F. Ward, claimed her right to admission as a citizen of the Choctaw Nation by virtue of her marriage to said Jeremiah Ward. Subsequent thereto said Commission admitted said Jeremiah Ward as a citizen by intermarriage of the Choctaw Nation but no action was ever taken as to the application for the admission of the other applicants therein. From this decision no appeal was taken.

The records of this office further show that on August 6, 1900, Sarah F. Ward, appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself as a citizen by blood of the Cherokee Nation; that on July 29, 1902, said application was denied by said Commission and on August 29, 1902 the same was affirmed by the Department.

Under theregulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 22, 1906, a petition praying for the enrollment of John Ward, Henrietta Ward, Joseph B. Ward, Chester A Ward, William C Ward, Elmer Ward, Johnnie M. Ward and Ada Ward, as citizens of the Choctaw Nation. January 26, 1906, a petition was filed praying for the enrollment of Melissa C. Taylor as a citizen by intermarriage of the Choctaw Nation and for the enrollment of Ada Odell Winans, Bertha Winans, and Raymond Clemen Winans, as citizens of the Choctaw Nation. All of the above petitioners, with the exception of Melissa C Taylor, are identical with the applicants for whom application has heretofore been made as citizens of the Choctaw Nation.

It does not appear from the records in the possession of this office that any application has ever been made for the enrollment of Melissa C Taylor as a citizen of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), It appears, however, that on September 7, 1896, in the case entitled "Mrs. Melissa Ward vs. Cherokee Nation" (1896 Cherokee Citizenship Docket, Case No. 4252), original application was made to the Commission to the Five Civilized Tribes for the admission of the petitioner, Melissa C Taylor, (Formerly Ward), as a citizen by intermarriage of said nation, claiming her right thereto by virtue of the marriage to Joe Ward, an alleged citizen by blood of the Cherokee Nation and that subsequent thereto said application was denied by said Commission, from which decision no appeal was taken.

The applicant, John Ward, is the son of Sam Ward, now deceased, and alleged citizen by intermarriage of the Choctaw Nation and Eliza J. Ward, now deceased, and alleged Cherokee by blood, and the applicants, Henrietta Ward, Joseph B Ward, Chester A Ward, William Edward Ward, Elmer Owen Ward and Johnnie M. Ward, are the children of said John Ward, and the applicant, Nancy E. Ward, who

claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage to the said John Ward.. The applicant, Addie Ward, now Winans, is the daughter of the petitioner, Melissa C Taylor, and Joe Ward (now deceased), a full brother of the applicant, John Ward. The petitioner, Melissa C. Taylor claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage to Joe Ward, above mentioned.

The applicants, Bertha D Winans (borne December 14, 1901) and Raymond Winans (born January 28, 1904), are the children of the applicant, Addie Ward, now Winans, and Walter Winans, a non-citizen.

The records of this office and the record herein show that the applicant, Sarah F Ward, is the daughter of Charles Fleetwood (now deceased), a non-citizen, and Lucinda Fleetwood (now deceased), and alleged Cherokee by blood, and claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage to Jeremiah Ward (now deceased), who is alleged to have been a citizen by intermarriage of the Choctaw Nation, and possessed of Choctaw blood, and the applicants, Henry B Ward, Grover C Ward and Francis F Ward, claim their right to enrollment as citizens of the Choctaw Nation by reason of being the children of said Sarah F Ward and Jeremiah Ward.

The evidence in this case clearly shows that the applicants John Ward, Henrietta Ward, Joseph B Ward, Chester A Ward, William Edward Ward, Elmer Owen Ward, Johnnie M. Ward, Addie Ward (now Winans Bertha D Winans and Raymond Winans, are not possessed of Choctaw blood. It appears, however, that John Ward, Nancy E Ward, Henrietta Ward, Joseph B Ward, Chester A Ward, William Edward Ward, Elmer Owen Ward, Johnnie M. Ward and Addie Ward (now Winans), are identified upon the 1896 Choctaw Census roll as residents of Atoka County, opposit numbers 14042, 14043, 14044, 14045, 14046, 14047, 14048, 14049, and 14050, respectively. The applicants, John Ward, Nancy E Ward, Henrietta Ward, Joseph B Ward and Addie Ward (now Winans), are also identified upon the 1885 Choctaw Census roll opposite numbers 709, 710, 711, 712 and 834, respectively.

The applicants, Sarah F Ward, and her children, Henry B Ward, Grover C Ward and Francis F Ward, are not identified upon any of the tribal rolls of the Choctaw or Cherokee Nations in the possession of this office. Neither is Jeremiah Ward, husband of said Sarah F Ward, identified upon any of the tribal rolls of said nations in the possession of this office.

It does not appear that any of the applicants herein or the petitioner, Melissa C Taylor, have ever been recognized or enrolled as citizens of the Cherokee Nation nor have any of said persons been admitted to citizenship in either the Choctaw or Cherokee Nation as citizens of said nations by any legally constituted authority thereof.

I am of the opinion that in asmuch as the applicants, John Ward, Henrietta Ward, Joseph B Ward, Chester A Ward, William Edward Ward, Elmer Owen Ward, Johnnie M Ward and Addie Ward (now Winans), are not possessed of Choctaw Blood, their enrollment upon the 1885 and the 1896 Choctaw Census rolls is without authority of

law, and their names should be stricken therefrom, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

I am further of the opinion that the application for the enrollment of John Ward, Henrietta Ward, Joseph B Ward, Chester A Ward, William Edward Ward, Elmer Owen Ward, Johnnie M. Ward, Addie Winans (formerly Ward), Bertha D Winans, Henry B Ward, Grover C Ward and Francis P Ward as citizens of the Choctaw Nation and as citizens by blood of the Cherokee Nation, and the petition herein insofar as it applies to said applicants, should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats:, 495), and it is so ordered.

I am further of the opinion that the application for the enrollment of Nancy Edward Ward and Sarah P Ward, as citizens by intermarriage of the Choctaw Nation and the petition herein insofar as it applies to the latter, should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

I am further of the opinion that the application and petition for the enrollment of Raymond Winans as a citizen of the Choctaw and Cherokee Nation, and the petition herein insofar as if applies to said applicant, should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that inasmuch as it does not appear from the records in the possession of this office that any application has ever been made for the enrollment of Melissa C Taylor as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), I am without authority to receive or consider any application for her enrollment as such, and her petition, should be dismissed, and it is so ordered.

(Signed) Tams Bixby,

Commissioner.

Muskogee, Indian Territory

Jan 23 1907


EMPTY


EMPTY

Choc. Minor 946

Alice M. Fields

M 946

Decision rendered Oct. 20, 1906.

Refused 10-20-06.

Copy of decision forwarded attorneys for Choc. + Chick. Nations 10-20-06.

Copy of decision forwarded applicant 10-20-06.

Record forwarded Dept. 10-20-06.

Action approved by Secretary of Interior 2-25-07.

Notice of Dept. action forwarded attorneys for Choc. + Chick. Nations 4-18-07.

Notice of Dept. action mailed applicant 4-18-07.

NEW BORN #946

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Alice M. Fields

as a citizen of

Choctaw Nation.

Approved..... 190...

.....
Commissioner.

Born July 9, 1905.
Act of Congress approved April 26, 1906.
Department of the Interior,
Commissioner to the Five Civilized Tribes.
Filed Aug 10 1906.

(Signed) Tams Bixby Commissioner
Choctaw N.B. 946

RECEIVED MAY 25 1906.

BIRTH AFFIDAVIT

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Alice M. Fields [Here insert name of child], born on the 9th day of July 1905.

Name of Father Pinkney H. Fields a citizen of the United States

Name of Mother: Daisie V. Fields a citizen of the Choctaw Nation.

Tribal enrollment of father pending enrollment Tribal enrollment of mother Daisie V. Ragland

Postoffice Red Oak, Indian Territory

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Central Judicial District.

I, Daisie V. Fields, on oath state that I am twenty-seven years of age and a citizen by blood of the Choctaw Nation; that I am the lawful wife of Pinkney H. Fields, who is a citizen, by inter-marriage pending enrollment of the Choctaw Nation; that a female [Male or Female] child was born to me on 9th day of July 1905.; that said child has been named Alice M. Fields and was living March 4, 1906.

(SEAL) Daisie V. Fields.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 23rd day of May 1906.

Everett McPherson
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Central Judicial District.

Nannie Dunn, a Mid Wife, on oath state that I attended Daisie V. Fields, wife of Pinkney H. Fields on the 9th day of July 1905.; that there was born to her on said date a female [Male or Female] child: that said child was living March 4, 1906, and is said to have been named Alice M. Fields

Nannie Dunn

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 23rd day of May 1906.

(SEAL) Everett McPherson
Notary Public.

23-946.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Alice M. Fields as a citizen of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on May 26, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Alice M. Fields as a citizen of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that Alice M. Fields was born July 9, 1905, and is the daughter of Daisie V. Fields, who was denied citizenship in the Choctaw Nation, as Daisy Duncan, by the Choctaw and Chickasaw Citizenship Court on March 21, 1904, in Case No. 54, upon the South McAlester Docket thereof, and Pinkney H. Fields, a non-citizen and non-applicant, either for enrollment as a citizen of the Choctaw Nation or for identification as a Mississippi Choctaw.

I am of the opinion that Alice M. Fields is not entitled to enrollment as a citizen of the Choctaw Nation, and that the application made for her enrollment as such should be refused, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

OCT 20 1906

1

23-946.

Muskogee, Indian Territory, October 20, 1906

Pinkney H. Fields,

Redoak, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, refusing the application for the enrollment of Alice M. Fields as a citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Registered.

Incl. 23-946.

23-946.

Muskogee, Indian Territory, October 20, 1906

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

McAlester, India Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, refusing the application for the enrollment of Alice M. Fields as a citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 23-946.

Muskogee, Indian Territory, October 20, 1906

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Alice M. Fields as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, refusing said application.

Respectfully,

SIGNED Tams Bixby
Commissioner.

Encl. 23-946.

Through the

Commissioner of Indian Affairs.

KLM
O.K.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

DC-11707-1907.
I.T.D. 4554-1907.

February 25, 1907.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir;

October 20, 1906, you transmitted the record in the matter of the application for the enrollment of Alice M. Fields as a citizen of the Choctaw Nation, together with your decision of the same date, refusing said application.

Reporting February 19, 1907 (Land 92925-1906), the Indian Office concurs in your decision. A copy of its letter is enclosed.

Your decision is hereby affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inc. and 2 inc.
for Ind. Of.

AFWC
2-26-07.

DC-11707-1907.
LAND
92925-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 19, 1907.

The Honorable,

The Secretary of the Interior.

Sir :

There is enclosed the record of proceedings in the matter of the application for the enrollment of Alice M. Fields, as a citizen of the Choctaw Nation, including decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1908, adverse to the applicant.

The record shows that on May 25, 1906 application was made to the Commissioner to the Five Civilized Tribes for the enrollment of the applicant as a citizen of the Choctaw Nation. The record further shows that Alice M. Fields was born July 9, 1905, and that she is the daughter of Daisey V. Fields, who was denied citizenship in the Choctaw Nation as "Daisy Duncan" by the Choctaw and Chickasaw Citizenship Court on March 21, 1904, and of Pinkney H. Fields, a non-citizen.

This case does not come within the Lula West case approved by the Department February 10, 1905, (I.T.D.10353-1904).

By reason of the provisions of the Act of Congress approved April 26, 1906, (34 Stat.L.,137), the Office concurs in the decision of Commissioner Bixby denying the enrollment of the applicant herein as a citizen of the Choctaw Nation.

Very respectfully,

C F Larrabee,

Acting Commissioner.

EBM-LC.

23-946

Muskogee, Indian Territory, April 18, 1907

Pinkney H. Fields,

Redoak, Indian Territory.

Dear Sir:

You are hereby advisedthat on February 25, 1907, the Secretary of the Interior affirmed the decision of this office of October 20, 1906, refusing the application for the enrollment of Alice M. Fields as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

23-946

Muskogee, Indian Territory, April 18, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 25th 1907, the Secretary of the Interior affirmed the decision of this office of October 20, 1906, denying the application for the enrollment of Alice M. Fields as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, June 2, 1906.

Dasie V. Fields,

Redoak, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your affidavit and the affidavit of Nannie Dunn to the birth of Alice M. Fields, child of Pinkney H. Fields, and Daisie V. Fields, July 9, 1905, and the same have been filed with the records of this office as an application for the enrollment of said child.

It appears from the affidavits that you are a citizen by blood of the Choctaw Nation. If this is correct, you are requested to state when, where and under what name application was made for your enrollment, the names of your parents, and other members of your family for whom application was made at the same time, and if you have selected an allotment of the lands of the Choctaw and Chickasaw Nations, give your roll number as the same appears upon your allotment certificate.

Respectfully,

Commissioner.

(COPY)

THE BANK OF RED OAK, I. T.

Capital, - $25,000.00

Red Oak, I. T. July 23rd, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Dear Sir:-

Mrs. Fields made application sometime in the year 1906, she thinks. She lived at that time at Lefloor, I. T. and the name under which application was made is Daisy Ragland. Her mothers name is Nannie S. Ragland. Her father's name is Jeff C. Ragland.

The other members of the family are Marvin Raglin, Oliver Raglin and Minnis Ragland. Have not selected any allotments of lands, of the Choctaw or Chickasaw Nations. Do not remember roll number as several of the papers got burned up.

Enclosed find a copy of the final entry of judgment of the Court, which you will inspect and return. I am,

Yours Most Resp.

Mrs. Daisie V. Fields.

(Endorsed)

INDEXED

COMMISSIONER TO FIVE TRIBES

No.	Received	Answered
31043	JUL 24,1906	8-10-06

Transmits copy of judgment of the court in Choctaw case of R. H. Hawkins, et al, in re her citizenship case.

CHOC-CHIC ENROLLMENT.

Fields, Daisie V.
Redoak, I.T.
Choctaw Nation,
July 23,1906

7-D-268

Muskogee, Indian Territory, August 10, 1906.

Mrs. Daisie V. Fields,

Red Oak, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of July 23, 1906, in which you state that the names of your parents are Nannie S. Ragland and Jeff C. Ragland, and that sometime during the year, 1906, you made application under the name of Daisy Ragland. You enclose, for inspection, copy of the judgment of the United States Court in citizenship case No. 27, R. M. Hawkins, et al. vs. the Choctaw Nation.

In reply you are advised that the information contained in your letter has enabled this office to identify you as having been denied by the Choctaw and Chickasaw Citizenship Court, and has been filed with the affidavits heretofore forwarded to the birth of your child Alice M. Fields.

The copy of the judgment of the United States Court in citizenship case No. 27, R. M. Hawkins, et al. vs. the Choctaw Nation, enclosed with your communication, is herewith returned.

Respectfully,

W.M.
Encl. 10/1

Commissioner.

Choc. Minor 947

Wesley Hartley Kennedy
Myrtis Viola "

M 947

Deision rendered Oct. 20, 1906.

Refused 10-20-06.

Copy of decision forwarded attorneys for Choc. + Chick. Nations 10-20-06.

Copy of decision forwarded applicant 10-20-06.

Record forwarded Dept. 10-20-06.

Action approved by Secretary of Interior 2-10-07.

Notice of Dept. action forwarded attorneys for Choc. + Chick. Nations 4-24-07.

Notice of Dept. action mailed applicant 4-24-07.

NEW BORN# 947

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Wesley Hartley Kennedy

as a citizen of

Choctaw Nation.

Approved 190...

Commissioner.

Born Dec. 1 , 1908

Act of Congress approved April 26 ,1906.

Department of the Interior
Commissioner to the Five Civilized Tribes.

F I L E D Aug 2-1906.
(Signed) Tams Bixby Commissioner

Choctaw N.B. 947
Received Jul 2-1906.

BIRTH AFFIDAVIT 191

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Wesley Hartley Kennedy [Here insert name of child], born on the 19 day of Dec 1902

Name of Father: Arthur H. Kennedy Pending by marriage a citizen of the Choctaw Nation.

Name of Mother Olive Kennedy a citizen of the Choctaw Pending Nation.

Tribal enrollment of father ..... Tribal enrollment of mother .....

Postoffice Alma I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
20 District. }

I, Olive Kennedy, on oath state that I am Twenty five years of age and a citizen by Pending Blood of the Choctaw Nation;

that I am the lawful wife of Arthur H. Kennedy, who is a citizen, by Pending marriage of the Choctaw Nation; that a Male [Male or Female] child was

born to me on 19 day of Dec 1902; that said child has been named

Wesley Hartley Kennedy and was living March 4, 1906.

Olive Kennedy

WITNESSES TO MARK:

[Must be Two Witnesses] .....
.....

Subscribed and sworn to before me this 20th day of June 1906.

(SEAL) J. E. Harbison
Notary Public.

My Commission expires Dec 6-08.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
District. }

I, John W. Hickson, a Physician, on oath state that I attended Olive Kennedy, wife of Arthur Kennedy,

on the 19 day of Dec 1902; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Wesley Hartley Kennedy

John W. Hickson

WITNESSES TO MARK:

[Must be Two Witnesses] .....
.....

Subscribed and sworn to before me this 23 day of June 1906.

C Ruef (SEAL)
Notary Public.

NEW BORN# 947

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

..Myrtis Viola Kennedy.....

as a citizen of

.....Choctaw..... Nation.

Approved..... 190...

.....

Commissioner.

Born May 26 1905.

Act of Congress approved April 26, 1906.
Department of the Interior
Commissioner to the Five Civilized Tribes.

F I L E D Aug 2-1906
(Signed) Tams Bixby Commissioner.
Choctaw N.B.947
Received Jul 2-1906.

BIRTH AFFIDAVIT 19

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cheatem Nation,

of Myrtis Viola Kennedy, born on the 26 day of May 1905
[Here insert name of child]

Name of Father: Arthur H Kennedy a citizen, by Pending by marriage of the Choctaw Nation.

Name of Mother: Olive Kennedy a citizen, by Pending of the Choctaw Nation.

Tribal enrollment of father Tribal enrollment of mother

Postoffice Alma I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
20 District. }

I, Olive Kennedy on oath state that I am Twenty five years of age and a citizen by Pending blood of the Choctaw Nation; that I am the lawful wife of Arthur H Kennedy, who is a citizen, by Pending Marriage of the Choctaw Nation; that a Female child was born to me on 26 day of May 1905; that said child has been named Myrtis Viola Kennedy; and was living March 4, 1906.
[Male or Female]

Olive Kennedy

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 20th day of June 1906.

(SEAL) J. P. Bodard
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
20th District. }

I, J. R. Harbison M. D. a Physicain & Surgeon on oath state that I attended on Olive Kennedy, wife of Arthur H. Kennedy on the 26 day of May 1905 that there was born to her on said date a Female child; that said child was living March 4, 1906, and is said to have been named Myrtis Viola Kennedy
[Male or Female]

J. R. Harbison M. D.

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 20 day of June 1906.

J. P. Bodard
Notary Public.

23-947.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Wesley Hartley Kennedy and Myrtis Viola Kennedy as citizens of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on July 2, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Wesley Hartley Kennedy and Myrtis Viola Kennedy as citizens of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that Wesley Hartley Kennedy and Myrtis Viola Kennedy were born December 19, 1902, and May 26, 1905, respectively, and are the children of Olive Kennedy, who was denied citizenship in the Choctaw Nation (as Olive Reid) by the Choctaw and Chickasaw Citizenship Court April 30, 1904, in Case No. 45, on the South McAlester Docket thereof, and Arthur M. Kennedy, a non-citizen and non-applicant, either for enrollment as a citizen of the Choctaw Nation or for identification as a Mississippi Choctaw.

I am of the opinion that Wesley Hartley Kennedy and Myrtis Viola Kennedy are not entitled to enrollment as citizens of the Choctaw Nation, and that the application made for their enrollment as such should be refused, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

Oct 20 906.

23-947.

Muskogee, Indian Territory, October 20, 1906

Arthur H. Kennedy,

Alma, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, refusing the application for the enrollment of Wesley Hartley Kennedy and Myrtis Viola Kennedy as citizens of the Choctaw Nation.

The decision, with the record of the proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl/ 23-947.

23-947.

Muskogee, Indian Territory, October 20, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, refusing the application for the enrollment of Wesley Hartley Kennedy and Myrtis Viola Kennedy as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams

Commissioner.

Incl. 23-947.

Muskogee, Indian Territory, October 20, 1906

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Wesley Hartley Kennedy and Myrtis Viola Kennedy as citizens of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, refusing said application.

Respectfully,

Tams Bixby
Commissioner.

2 Incl. 234947.

Through the

Commissioner of Indian Affairs.

J.F.Jr.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

LLB.

D.C. 10269-1907.
I.A.B. 3890-1907.
L RS.

February 20, 1907

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

October 20, 1906, you transmitted the record in the matter of the application for the enrollment of Wesley Hartley Kennedy and Myrtle Viola Kennedy as citizens of the Choctaw Nation, including your decision of the same date, adverse to the applicants.

Reporting February 16, 1907 (Land 8926-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is accordingly affirmed.

The papers in the case have been sent to the Indian Office, together with a carbon copy hereof.

Respectfully,

Thos Ryan
First Assistant Secretary.

1 inc. and 2 to Ind. Of.

A P Mc
2-21-07.

Refer in reply to the following.

D.C. 10669-1907.

LAND 92926-1906.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

February 16, 1907.

C O P Y

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Wesley Hartley Kennedy and Myrtis Viola Kennedy as citizens of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, adverse to the applicants.

The record shows that on July 2, 1906 application was made to the Commissioner to the Five Civilized Tribes for the enrollment of these applicants as citizens of the Choctaw Nation. The record further shows that Wesley Hartley Kennedy and Myrtis Viola Kennedy were born December 19, 1902, and May 26, 1905, respectively, and are the children of Olive Kennedy, who was denied citizenship in the Choctaw Nation as "Olive Reid," by the Choctaw and Chickasaw Citizenship Court on April 30, 1904, and Arthur H. Kennedy, a non-citizen.

This case does not come within the Lula West case approved by the Department February 10, 1905, (I.T.D. 1053-1904).

By reason of the provisions of the Act of Congress approved April 26, 1906 (34 Stat. L., 137), the Office concurs in

the decision of the Commissioner to the Five Civilized Tribes denying the enrollment of the applicants as citizens of the Choctaw Nation.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

ABM-LC..

23-947.

Muskogee, Indian Territory, April 24, 1907.

Arthur H. Kennedy,

Alma, Indian Territory.

Dear Sir:

You are hereby advised that on February 20, 1907, the Secretary of the Interior affirmed the decision of this office of October 20, 1906, refusing the application for the enrollment of Wesley Hartley Kennedy and Myrtis Viola Kennedy as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

23-947.

Muskogee, Indian Territory, April 24, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 20, 1907, the Secretary of the Interior affirmed the decision of this office of October 20, 1906, refusing the application for the enrollment of Wesley Hartley Kennedy and Myrtis Viola Kennedy as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, July 3, 1906.

Arthur H. Kennedy,

Alma, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Olive Kennedy and J. E. Harbinson to the birth of Myrtle Viola Kennedy, child of Arthur H. and Olive Kennedy, May 26, 1905; also affidavits of Olive Kennedy and John W. Nickson to the birth of Wesley Hartley Kennedy, child of Arthur H. and Olive Kennedy, December 19, 1902.

It is stated in the affidavit of the mother that she is a citizen by blood of the Choctaw Nation. If this is correct you are requested to give the names of her parents, the time and place application was made for her enrollment and if she has selected an allotment of the lands of the Choctaw or Chickasaw Nation give her roll number as it appears upon her allotment certificate.

Respectfully,

Commissioner.

7-8138

Muskogee, Indian Territory, July 31, 1906.

A. H. Kennedy,
Lock Box 78,
Alma, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 9, 1906, in which you state that the names of the parents of your wife, Oliva Kennedy, are Serena Reid and William Reid.

In reply you are advised that the information contained in your letter has enabled this office to identify your wife as having been denied by the Choctaw-Chickasaw Citizenship Court, and the same has been filed with the record in the matter of the application for the enrollment of Myrtle Viola and Wesley Hartley Kennedy.

Respectfully,

Commissioner.

7-9th-1906

Alma, I. T.

Commissioner To The Five Civilized T.

Dear Sir

My wife is a court claim. Her case is Still Pending In The Courts yet. Her Mothers name is Serena Reid. Her Fathers Name is William Reid.They First Went Before The Dawes Commission at Ardmore, I.T. In 1898. She claims To Be Choctaw. We havnt any Land located yet. if there is any thing I have left out That you Want To Know you will Pleas Write me at once

Yours Truly

A. H. Kennedy

Lock Box 72

Alma, I.T.

Choc. Minor 948

Clarence Leon Addington
Hazel Louvee "

948 M

Decision rendered Oct. 20, 1906.
Refused 10-20-06.
Copy of decision forwarded attorneys for Choc. + Chick. Nations 10-20-06.
Copy of decision forwarded applicant 10-20-06.
Record forwarded Dept. 10-20-06.
Action approved by Secretary of Interior 2-21-07.
Notice of Dept. action forwarded attorneys for Choc. + Chick. Nations 4-18-07.
Notice of Dept. action mailed applicant 4-18-07.

NEW BORN# 948

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Clarence Leon Addington

as a citizen of

Choctaw Nation.

Approved 190...

Commissioner.

Born Nov 8, 1903.

Act of Congress approved April 26 1906.
Department of the Interior
Commissioner to the Five Citlized Tribes.

F I L E D Aug 7-1906.

(Signed) Tams Bixby Commissioner.

Choctaw N.B. 948

Received Jul 25 1906.

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Clarence Leon Addington, born on the 8th day of Nov. 1903.
[Here insert name of child]

Name of Father: Otis Burrel Addington a citizen of the Choctaw Nation.

Name of Mother Daisy Addington a citizen of the Choctaw Nation.

Tribal enrollment of father Choctaw Tribal enrollment of mother Choctaw

Postoffice Addington Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, Daisy Addington, on oath state that I am 21 years of age and a citizen by Marriage of the Choctaw Nation; that I am the lawful wife of Otis Burrel Addington, who is a citizen, by Blood of the Choctaw Nation; that a Male child was born to me on 8th day of Nov. 1906.; that said child has been named Clarence Leon Addington and was living March 4, 1906.
[Male or Female]

(SEAL) Daisy Addington

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 23rd day of July 1906.

My Com expires Mar 29-1906. J. W. McKenney
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, C. E. Elder, Physician, on oath state that I attended on Daisy Addington, wife of Otis Burrel Addington on the 8th day of Nov, 1903.; that there was born to her on said date Male child; that said child was living March 4, 1906, and is said to have been named Clarence Leon Addington
[Male or Female]

C. E. Elder M.D.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 23d day of July 1906.

(SEAL) J. W. McKenney
My Com expires March 29-1909. Notary Public.

NEW BORN # 948

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Hazel Louvee Addington

as a citizen of

Choctaw Nation.

Approved..... 190...

.....
Commissioner.

Born Jan 22, 1906.
Act of Congress. approved April 26, 1906.

Department of the Interior
Commissioner tothe Five Civilized Tribes.
F I L E D Aug 7-1906.
(Signed) Tams Bixby Commissioner.

Choctaw 7- N.B. 948
Received Jul 25 1906.

BIRTH AFFIDAVIT

199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Hazel Louvee Addington, born on the 22nd day of Jan 906..
[Here insert name of child]

Name of Father: Otis Burral Addington, a citizen of the Choctaw Nation.

Name of Mother Daisy Addington, a citizen of the Choctaw Nation.

Tribal enrollment of father... Choctaw ... Tribal enrollment of mother Choctaw

Postoffice... Addington, Ind Ter ,

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Daisy Addington, on oath state that I am 21 years of age and a citizen by Marriage of the Choctaw Nation; that I am the lawful wife of Otis Burrel Addington, who is a citizen, by Blood of the Choctaw Nation; that a Female child was born to me on 22nd day of Jan 906.; that said child has been named [Male or Female]
Hazel Louvee Addington, and was living March 4, 1906.

Daisy Addington

WITNESSES TO MARK:

[Must be Two Witnesses] }

(SEAL)

Subscribed and sworn to before me this 23rd day of July 1906.

My Com expires Mar 29-1906. J. W. McKenney
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, C. R. Elder, a Physician, on oath state that I attended on Daisy Addington, wife of Otis B Addington on the 22nd day of Jan 1906. that there was born to her on said date a Female child; that said child was living March 4, 1906, and is said to have been named Hazel Louvee Addington

C. R. Elder M.D.

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 23rd day of July 1906.

(SEAL)
My Com expires March 29-1909. J. W. McKenney
Notary Public.

23-948.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Clarence Leon Addington and Hazel Louvee Addington as citizens of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on July 25, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Clarence Leon Addington and Hazel Louvee Addington as citizens of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

If further appears from the record herein and from the records in the possession of this office that the applicants were born on November 8, 1903, and January 22, 1906, respectively, and are the children of Burrell Addington, who was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court March 9, 1904, in Case No. 61, on the South McAlester Docket thereof, and Daisy Addington, whose application for enrollment as an intermarried citizen of the Choctaw Nation, claiming her rights through said Burrell Addington, was dismissed by the Commission to the Five Civilized Tribes May 13, 1904.

I am of the opinion that Clarence Leon Addington and Hazel Louvee Addington are not entitled to enrollment as citizens of the Choctaw Nation, and that the application made for their enrollment as such should be refused, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

_____.

23-948.

Muskogee, Indian Territory, October 20, 1906

Burrell Addington,

Addington, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, refusing the application for the enrollment of Clarence Leon Addington and Hazel Louvee Addington as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Registered.

Incl. 23-948.

23-948.

Muskogee, Indian Territory, October 20, 1906.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations.
McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, refusing the application for the enrollment of Clarence Leon Addington and Hazel Louvee Addington as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 23-948.

Muskogee, Indian Territory, October 20, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Clarence Leon Addington and Hazel Louvee Addington as citizens of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, refusing said application.

Respectfully,

SIGNED Tams Bixby

Commissioner.

2 Incl. 23-948.

Through the

Commissioner of Indian Affairs.

(COPY-DeB) C.R.W.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

LLB

I.T.D. 4098-1907.
D.C.10924-1907.
L. RS.

February 21, 1907.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

October 20, 1906, you transmitted the record in the matter of the application for the enrollment of Clarence Leon Addington and Hazel Louvee Addington as citizens of the Chootaw Nation, including your decision of the same date, adverse to the applicants.

Reporting February 18, 1907 (Land 92943-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

1 inc. and 2 to Ind. Of.

A.F.Mc.
2-23-07.

(COPY-DeB)

Refer in reply to the following:

LAND 92942-1906.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

WASHINGTON.

February 18, 1907.

COPY

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed record of proceedings in the matter of the application for the enrollment of Clarence Leon Addington and Hazel Louvee Addington, as citizens of the Choctaw Nation, including decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, adverse to the applicants.

The record shows that on July 25, 1906 application was made to the Commissioner to the Five Civilized Tribes for the enrollment of these applicants as citizens of the Choctaw Nation. The record further shows that the applicants, Clarence Leon Addington and Hezel Louvee Addington, were born on November 8, 1903 and January 22, 1906, respectively, and are the children of Burrell Addington, who was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on March 9, 1904, and of Daisy Addington, whose application for enrollment as an intermarried citizen of the Choctaw Nation, claiming her rights through Burrell Addington, was dismissed by the Commission to the Five Civilized Tribes on May 13, 1904.

This case does not come within the Loula West case approved by the Department February 10, 1905 (I.T.D. 10353-1904).

By reason of the provisions of the Act of Congress approved April 26, 1906 (34 Stat. L., 137), the Office concurs in the decision of Commissioner Bixby denying the enrollment of the applicants herein as citizens of the Choctaw Nation.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

RMB-LC.

23-948.

Muskogee, Indian Territory, April 18, 1907.

Burrell Addington,

Addington, Indian Territory.

Dear Sir:

You are hereby advised that on February 21, 1907, the Secretary of the Interior affirmed the decision of this office of October 30, 1906, refusing the application for the enrollment of Clarence Leon Addington and Hazel Louvee Addington as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

23-948.

Muskogee, Indian Territory, April 18, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 21, 1907, the Secretary of the Interior affirmed the decision of this office of October 20, 1906, refusing the application for the enrollment of Clarence Leon Addington and Hazel Louvee Addington as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

7-5208

Muskogee, Indian Territory, August 7, 1906.

Otis Burral Addington,

Addington, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of the affidavits of Daisy Addington and C. E. Elder to the birth of Clarence Leon Addington and Hazel Louvee Addington, children of Otis Burral and Daisy Addington, November 8, 1903, and January 22, 1906, respectively.

Respectfully,

Commissioner.

Choc. Minor 949

Julia Louvee Addington

M 949

Decision rendered 10-20-06

Refused 10-20-06

Copy of decision forwarded attorneys for Choc. and Chick. Nations 10-20-06.

Copy of decision forwarded applicant 10-20-06.

Record forwarded Dept. 10-20-06.

Action approved by Secretary of Interior 2-21-07.

Notice of Dept. action forwarded attorneys for Choc. + Chick. Nations 4-22-07.

Notice of Dept. action mailed applicant 4-22-07.

NEW BORN #949

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Julia Louvee Addington

as a citizen of

Choctaw Nation.

Approved ..... 190...

..... Commissioner.

Born Sept 30 1903

Act of Congress approved
April 26 1906

Department of the Interior
Commissioner to the Five
Civilized Tribes.
Filed Aug 7 1906
Tams Bixby Commissioner.

CHOCTAW RECEIVED JUL 25 1906
N. B. 949.

BIRTH AFFIDAVIT

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Julia Louvae Addington, born on the 30 day of September 1903
(Here insert name of child)

Name of Father: William H. Addington a citizen of the Choctaw Nation.

Name of Mother: Bettie Addington a citizen of the Choctaw Nation.

Tribal enrollment of father. Choctaw Tribal enrollment of mother Choctaw

Postoffice Kopperl Bosque County Texas

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
State of Texas County of Bosque District.

I, Bettie Addington, on oath state that I am 27 years of age and a citizen by Marriage of the Choctaw Nation; that I am the lawful wife of William H. Addington, who is a citizen, by Blood of the Choctaw Nation; that a Female [Male or Female] child was born to me on 30 day of September 1903.; that said child has been named Julia Louvee Addington and was living March 4, 1906.

(Signed) Bettie Addington

WITNESSES TO MARK:

[Must be Two Witnesses]
M. S. Green
W. G. Powell

Subscribed and sworn to before me this 16 day of July 1906.

(SEAL)

(Signed). M. S. Green
Notary Public.

Bosque County Texas

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Southern District District.

I, Martha Roller, a Nurse, on oath state that I attended on Bettie Addington, wife of William H. Addington on the 30th day of Sept 1903 that there was born to her on said date a Female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Julia Louvee Addington

(Signed) Martha Roller

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 23rd day of July 1906.

(SEAL) My Com expires Mar 29, 1909

(Signed) J. W. McKenney
Notary Public.

23-949.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Julia Louvee Addington as a citizen of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on July 25, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Julia Louvee Addington as a citizen of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that Julia Louvee Addington was born September 30, 1903, and is the daughter of William H. Addington, who was denied citizenship in the Choctaw Nation, as William Addington, by the Choctaw and Chickasaw Citizenship Court March 9, 1904, in Case No. 61, on the South McAlester Docket thereof, and Bettie Addington, a non-citizen and non-applicant, either for enrollment as a citizen of the Choctaw Nation or for identification as a Mississippi Choctaw.

I am of the opinion that Julia Louvee Addington is not entitled to enrollment as a citizen of the Choctaw Nation, and that the application made for her enrollment as such should be refused under the provisions of the Act of Congress approved April 26, 1906, (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

OCT 1 1906

23-949.

Muskogee, Indian Territory, October 20, 1906

William Addington,

Kopperl, Texas.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, refusing the application for the enrollment of Julia Louvee Addington as a citizen of the Choctaw Nation under the provision of the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl. 23-949.

23-949.

Muskogee, Indian Territory, October 20, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, refusing the application for the enrollment of Julia Louvee Addington as a citizen of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 23-949.

Muskogee, Indian Territory, October 20, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for enrollment of Julia Louvee Addington as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, refusing said application.

Respectfully,

SIGNED Tams Bixby

Commissioner.

2 Incl. 23-949.

Through the
Commissioner of Indian Affairs.

KLM

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

o/k/

February 21, 1907.

DC-10939-1907.
I. T. D. 4090-1907.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

October 20, 1906. you transmitted the record in the matter of the application for the enrollment of Julia Louvee Addington, as a citizen of the Choctaw Nation, together with your decision of the same date, refusing said application.

Reporting February 18, 1907 (Land 92943-1906), the Indian Office concurs in your decision. A copy of its letter is enclosed.

Your decision is hereby affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos. Ryan

First Assistant Secretary.

1 inc. and 2 inc.
for Ind. S.

AFMc
2-23-07

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

DC-10939-1907.
LAND
92943-1907

February 18, 1907.

C O P Y

The Honorabel,

The Secretary of the Interior.

Sir:

There is enclosed record of proceedings in the matter of the application for the enrollment of Julia Louvee Addington as a citizen of the Choctaw Nation, including decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, adverse to the applicant.

The record shows that on July 25, 1906 application was made to the Commissioner to the Five Civilized Tribes for the enrollment of this applicant as a citizen of the Choctaw Nation. The record farther shows that the applicant was born September 30, 1903, and is the daughter of William H. Addington, who was denied citizenship in the Choctaw Nation as "William Addington" by the Choctaw and Chickasaw Citizenship Court on March 9, 1904, and of Bettie Addington, a non-citizen.

This case does not come within the Lula West case approved by the Department February 1 0, 1905, (I.T.D.10353-1904).

By reason of the provisions of the Act of Congress approved April 26, 1906, (34 Stats.L.,137), the Office concurs in the decision of Commissioner Bixby denying the enrollment of the applicant herein as a citizen of the Choctaw Nation.

Very respectfully,

C. F. Larrabee.
Acting Commissioner.

KEM-LC..

23-949

Muskogee, Indian Territory, April 22, 1907.

William Addington,

Kopperl, Texas.

Dear Sir:

You are hereby advised that on February 21, 1907, the Secretary of the Interior affirmed the decision of this office of October 20, 1906, refusing the application for the enrollment of Julia Louvee Addington as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

23-949

Muskogee, Indian Territory, April 22, 1907.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 21, 1907, the Secretary of the Interior affirmed the decision of this office of October 20, 1906, refusing the application for the enrollment of Julia Louvee Addington as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

7-5143

Muskogee, Indian Territory, August 7, 1906.

William M. Addington,

Kopperl, Texas.

Dear Sir:-

Receipt is hereby acknowledged of the affidavits of Bettie Addington and Martha Roller to the birth of Julia Louvee Addington, child of William M. and Bettie Addington, September 30, 1903.

Respectfully,

Commissioner.

Choc. Minor 950
Vivian V. Parks
Clyde "

M950

Decline to receive 2-11-07.
Record forwarded Dept. 2-11-07.
Action approved by Secretary of Interior 3-4-07
Notice of Dept. action forwarded attorneys for Choc. + Chick. Nations 4-13-07.
Notice of Dept. action mailed applicant 4-13-07.

Choc N.B. 950

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Vivian V. Parks

as a citizen of

Choctaw Nation.

Approved ..... 190...

.....

Commissioner.

N.B. 950
Jlu 23 1906.

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Vivian V. Parks [Here insert name of child], born on the 14th day of March 1904

Name of Father: K. R. Parks, a citizen of the Choctaw Nation.

Name of Mother Maggie Parks, a citizen of the U. S. Nation.

Tribal enrollment of father ..... Tribal enrollment of mother .....

Postoffice Purcell I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Maggie Parks, on oath state that I am 23 years of age and a citizen by ..... of the United States Nation; that I am the lawful wife of K. R. Parks, who is a citizen, by blood, of the Choctaw Nation; that a female [Male or Female] child was born to me on 14th day of March 1904; that said child has been named Vivian V. Parks and was living March 4, 1906.

(SEAL)

Maggie Parks

WITNESSES TO MARK:

[Must be Two Witnesses] .....

.....

Subscribed and sworn to before me this 21st day of July 1906.

Joseph P. Smith
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, I. J. Lamb, a midwife, on oath state that I attended on Maggie Parks, wife of K. R. Parks on the 14th day of March 1904; that there was born to her on said date a female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Vivian V. Parks

I. I. J. Lamb

WITNESSES TO MARK:

[Must be Two Witnesses] .....

.....

Subscribed and sworn to before me this 21st day of July 1906.

(SEAL)

Joseph P. Smith
Notary Public.

29-950

Choc N.B. 950.

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

...Clyde Parks.....

as a citizen of

...Choctaw..... Nation.

Approved..... 190...

.....

Commissioner.

N.B. 950

Jul 23 1906.

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS. APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Clyde Parks [Here insert name of child], born on the 14" day of Jany 906

Name of Father: K. R. Parks a citizen of the Choctaw Nation.

Name of Mother: Maggie Parks a citizen of the U.S. Nation.

Tribal enrollment of father..... Tribal enrollment of mother.....

Postoffice Purcell I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Maggie Parks, on oath state that I am 23 years of age and a citizen by ... of the United States Nation; that I am the lawful wife of K. R. Parks, who is a citizen, by blood, of the Choctaw Nation; that a male [Male or Female] child was born to me on 14" day of January 906; that said child has been named Clyde P^a^rks and was living March 4, 1906.

Maggie P^a^rks

WITNESSES TO MARK:

[Must be Two Witnesses] .....

.....

Subscribed and sworn to before me this 21st day of July 1906.

(SEAL)

Joseph P Smith
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Nancy McKinney, a Midwife, on oath state that I attended Maggie Parks, wife of K. R. Parks on the 14 day of Jany 1906; that there was born to her on said date a [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Clyde Parks

Nancy McKinney

WITNESSES TO MARK:

[Must be Two Witnesses] .....

.....

Subscribed and sworn to before me this 21st day of July 1906.

(SEAL)

Joseph P Smith
Notary Public.

23-950.
O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Vivian V. Parks and Clyde Parks as citizens of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on July 23, 1906, written applications were received by the Commissioner to the Five Civilized Tribes for the enrollment of Vivian V. Parks and Clyde Parks as citizens of the Choctaw Nation.

It further appears from the record herein that Vivian V. Parks and Clyde Parks were born March 14, 1904 and January 14, 1906, respectively and are the children of K. R. Parks and Maggie Parks.

It does not appear from the records in the possession of this office that any application has ever been made for the enrollment of K. R. Parks or Maggie Parks as citizens of the Choctaw Nation.

Section two of the Act of Congress approved April 26, 1906 (34 Stats., 137) provides:

> "That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications pending at the approval hereof, and for the purpose of enrollment under this section illegitimate children shall take the status of the mother, and allotments shall be made to children so enrolled."

I am of the opinion that inasmuch as the parents of the applicants, Vivian V. Parks and Clyde Parks had not been finally enrolled or had applications pending for enrollment as citizens of the Choctaw Nation at the date of the approval of the above act, I am without authority to receive or consider or make any record of any application for the enrollment of said applicants as citizens of the Choctaw Nation, that I should decline to receive or consider the same, and it is so ordered.

Commissioner.

Muskogee, Indian Territory,
FEB 11 1907

23-950

COPY

Muskogee, Indian Territory, February 11, 1907.

C. L. Baird,

Byars, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes rendered February 11, 1907, declining to receive or consider the application for the enrollment of Vivian V. Parks and Clyde Parks as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl. 23-950

23-950

COPY

Muskogee, Indian Territory, February 11, 1907.

C. P. Hoggard,

Byars, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 11, 1907, declining to receive or consider the application for the enrollment of Vivian V. Parks and Clyde Parks as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.
Incl. 23-950

23-950

COPY

Muskogee, Indian Territory, February 11, 1907.

Mansfield, McMurray & Cornish:

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes rendered February 11, 1907, declining to receive or consider the application for the enrollment of Vivian V. Parks and Clyde Parks as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 23-950

COPY

Muskogee, Indian Territory, February 11, 1907.

The Honorable,

The Secretary of the Interior:

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Vivian V. Parks and Clyde Parks as citizens of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated February 11, 1907, declining to receive or consider said application.

Respectfully,

SIGNED Tams Bixby

Commissioner.

2 Incl.

Through the
Commissioner of Indian Affairs.

Tams Bixby

D.C./12863
L.R.S.

J.P.
FHR.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

March 4, 1907.

I.T.D.
6134,6146,6152,6156,6170-07.
6192,6992,7008,7266,7270-07.
7294,7326,7344,7346,7374- "
7376,7380,7392,7404,7410- "
7414,7418,7442,7472,7478- "
7486,7490,7526,7548,7580- "
7582,7654,7656,7686,7694- "
7682,7684,7666, 7690- "
7684,7686,7696,7698,7706- "
7716,7724,7728, 7734- "

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Chootaw enrollment cases adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
Alex and Lee C. Lewis (Freedmen)	February 14, 1907.
Cora Bailey (Freedmen)	February 13, 1907
Virginia and Dora Colbert (Freedmen)	February 12, 1907
Stella Marler	February 13, 1907
Jeanne Pollock, et al,	December 24, 1906
Ulysis and Sydney Prather (Freedmen)	February 14, 1907
Annie and Napier Carter (Freedmen)	February 14, 1907
Margie Hall (Freedmen)	February 16, 1907
Lavera Perry (Freedmen)	February 9, 1907
Willie and Bennie Roberts	February 6, 1907
Clarence Vails	February 9, 1907
Beatrice and Maudie Jeffres (Freedmen)	February 11, 1907
L. F. Rhoades, et al,	February 14, 1907
Alvenor Pitchlynn (Freedmen)	February 11, 1907
Henry and Minnie Reed (Freedmen)	February 11, 1907
Vivian V. and Girdo Parks	February 11, 1907
Marvin Clifford Manley	February 9, 1907
Blanche E. Stark, et al,	February 20, 1907

Title of case.	Date of your letter of transmittal.
James H. Law, (Intermarried)	February 6, 1907
Bell Serna (Miss. Choc.)	February 7, 1907
David and Mariedell Powell (Freedmen)	February 7, 1907
Sammie Hunt (Freedman)	February 7, 1907.
Clora and Annie Berry (Freedmen)	February 21, 1907
Robert Thompson (Freedman)	February 21, 1907
Washington and Hester Anthony (Freedmen)	February 21, 1907
Ann and Emmett Walson (Freedmen)	February 21, 1907
Dee Wilson (Freedman)	February 20, 1907
Hiawah Johnson (Freedman)	February 14, 1907
Luvena May Everett (Miss.Choc.)	February 23, 1907
Viola Warrior (Freedman)	February 21, 1907
Ella Folsom, et al., (Freedmen)	February 21, 1907
Edward Adamson (Freedman)	February 21, 1907
Allie May and Amos Williams (Freedmen)	February 21, 1907
John Ward, et al.,	January 23, 1907
Frank P. Morgan (Intermarried)	January 24, 1907
Marion James Robins (Freedman)	February 21, 1907
William C. York, et al.,	January 16, 1907
William S. Watters, et al.,	February 23, 1907
Charley Braggs (Freedman)	February 21, 1907
Hattie Marie Stewart, et al.,	February 25, 1907
Robert McCoy (Freedman)	February 18, 1907
George Chatman (Freedman)	February 21, 1907
Louisa Perry, (Freedman)	February 19, 1907
John Albert Pantsky	February 26, 1907
Nancy P. and Thursey McLarty	February 26, 1907
Nathes Shockey,	February 26, 1907
Albert and Ermer Pigree (Freedmen)	February 26, 1907
Reding McKinney, et al., (Freedman)	February 26, 1907

Copies of Indian Office letters submitting your reports and recommending that the decisions be approved, are inclosed.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

E. A. Hitchcock,

Secretary.

48 inc. and
96 for Ind. Of. with
copy hereof.
A.F.Mc.
3-4-07.

Refer in reply to the following. -Copy-

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Land
15486-1907.
D. C. 12853

WASHINGTON. March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby, dated February 11, 1907, transmitting the record relative to the application for enrollment of Vivian V. Parks and Clyde Parks, as citizens of the Choctaw Nation, including the decision of the Commissioner dated February 11, 1907, adverse to the applicants.

The decision of the Commissioner has been examined, and found to be correct, and its approval is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

J. P. B. -Pr.

23-960

Muskogee, Indian Territory, April 23, 1907.

C. L. Baird,

Bayars, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered February 11, 1907, declining to receive or consider the application for the enrollment of Vivian V. Parks and Clyde Parks as citizens of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

23-960

Muskogee, Indian Territory, April 13, 1907.

C. P. Moggard,

Byars, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered February 11, 1907, declining to receive or consider the application for the enrollment of Vivian V. Parks and Clyde Parks as citizens of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

23-950

Muskogee, Indian Territory, April 13, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered February 11, 1907, declining to receive or consider the application for the enrollment of Vivian V. Parks and Clyde Parks as citizens of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

7-5133

Muskogee, Indian Territory, August 15, 1906.

K. R. Parks,

Purcell, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of July 21, 1906, enclosing affidavits of Maggie Parks and I. J. Lamb to the birth of Vivian V. Parks, child of K. R. and Maggie Parks, March 14, 1904; also affidavits of Maggie Parks and Nancy McKinney to the birth of Clyde Parks, child of K. R. and Maggie Parks, January 14, 1906.

It is stated in the affidavits that you are a citizen by blood of the Choctaw Nation, and if this is correct you are requested to state where and under what name application was made for your enrollment, the names of your parents, and if you have selected an allotment of land in the Choctaw or Chickasaw Nation give your roll number as it appears upon your allotment certificate.

Respectfully,

Commissioner.

Court

REFER IN REPLY TO THE FOLLOWING:

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Davis, I. T. January 20, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, I. Ty.

Dear Sir:

In the matter of the application for enrollment, as a citizen of the Choctaw Nation, of Vivian V. Parks, you are advised that the parents of the applicant live about 14 miles west of Purcell, I. T. but they were not at home when I called to see them.

I returned to Purcell and called on Joseph P. Smith who was the Notary Public in this case, and he states that he is very familiar with this case and that neither of the parents of the applicant have ever been approved as citizens of the Choctaw or Chickasaw Nations, but that K. R. Parks, father of the applicant, is what is commonly known as a "Court Claimant". He further states that when Vivian V. Parks appeared before him to makeaffidavits relative to the birth of her child, he informed her that her child was not entitled to enrollment under the Act of Congress, approved Apr. 26, 1906, but that she insisted on making the affidavits.

Respectfully,

Andrew J. Gardenhire.

The data in this case is returned herewith.

(Copy)

REFER IN REPLY TO THE FOLLOWING:

DEPARTMENT OF THE INTERIOR,

Land
15486-1907. OFFICE OF INDIAN AFFAIRS,

WASHINGTON. March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby, dated February 11, 1907, transmitting the record relative to the application for enrollment of Vivian V. Parks and Clyde Parks, as citizens of the Choctaw Nation, including the decision of the Commissioner dated February 11, 1907 a adverse to the applicants.

The decision of the Commissioner has been examined, and found to be correct, and its approval is recommended.

Very respectfully,

C. F. Larrabee.

J.P.B.-pr. Acting Commissioner.

Choc. Minor 951

Cleo Bynum

Dismissed Feb. 21, 1907.

M951

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES .

. . . . . .

In the matter of the application for the enrollment as a citizen by blood of the Choctaw Nation of . . . . . .

CLEO BYRUM, 23 - 951

NEW BORN 951

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Cles Bynum

as a citizen of

Choctaw Nation.

Approved..... 190...

..... Commissioner.

Atoka Sept 2. 1903

ACT OF CONGRESS APPROVED APRIL 26, 1906.

DEPARTMENT OF THE INTERIOR

AUG 1 1906

CHOCTAW

NB 951

RECEIVED

JUL 13 1906

BIRTH AFFIDAVIT

1899

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Chocktaw Nation,

of Cleo Bynum [Name to be inserted as given by applicant], born on the 2 day of Sept 1903

Name of Father: C D Bynum a citizen of the Nation.

Name of Mother: Coral Bynum a citizen of the Choctaw Nation.

Tribal enrollment of father Tribal enrollment of mother Chocktaw

Postoffice Ravia Indian Territory

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I Mrs Coral Bynum on oath state that I am 28 years of age and a citizen by blood of the Choctaw Nation; that I am the lawful wife of C D Bynum who is a citizen, by ..... of the ..... Nation; that a Female child was born to me on 2 day of September 1903; that said child has been named Cleo Bynum and was living March 4, 1906.

Coral Bynum

WITNESSES TO MARK:

[Must be Two Witnesses] .....

Subscribed and sworn to before me this 12th day of July 1906.

J W Leper
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I S. E. Cummings a Physician on oath state that I attended on Mrs Coral Bynum wife of C D Bynum on the 2 and day of September 1903; that there was born to her on said date a Female child; that said child was living March 4, 1906, and is said to have been named Cleo Bynum

S. E. Cummings M.D.

WITNESSES TO MARK:

[Must be Two Witnesses] .....

Subscribed and sworn to before me this 12th day of July 1906.

J W Leper
Notary Public.

My Commission Expires 2-22-09.

1688

23-951

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

- - - - - - -

In the matter of the application for the enrollment of Cleo Bynum as a citizen by blood of the Choctaw Nation.

-: D E C I S I O N :-

The record herein shows that on July 13, 1906, written application was received by the Commissioner to the Five Civilized Tribes for the enrollment of Cleo Bynum as a citizen by blood of the Choctaw Nation.

The record herein further shows that said applicant was born September 2, 1903; that she was living on March 4, 1906, and that she is the daughter of Coral Bynum and C. D. Bynum.

The records in the possession of the Commissioner to the Five Civilized Tribes show that Coral Bynum, the mother of the applicant, was denied citizenship in the Choctaw Nation by the Choctaw-Chickasaw Citizenship Court on April 30, 1904, as Coral Reid, and that on May 27, 1904, the application for the enrollment of C. D. Bynum, the father of the applicant, as a citizen by intermarriage of the Choctaw Nation was dismissed by the Commission to the Five Civilized Tribes.

It does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that any application was ever made for the enrollment of Cleo Bynum as a citizen by blood of the Choctaw Nation prior to December 1, 1905; neither does it appear from said record that any application for the enrollment of Coral Bynum, the mother of said applicant, or C. D. Bynum the father of said applicant, was pending on April 26, 1906.

I am, therefore, of the opinion that under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), I am without authority to receive or consider any application for the enrollment of Cleo Bynum as a citizen by blood of the Choctaw Nation; that the same should be dismissed, and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.
FEB 21 1907

23-951.

COPY

Muskogee, Indian Territory, February 21, 1907.

C. D. Bynum,

Ravia, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 21, 1907, dismissing the application for the enrollment of Cleo Bynum as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered
Incl. 23-951.

23-951.

COPY

Muskogee, Indian Territory, February 21, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 21, 1907, dismissing the application for the enrollment of Cleo Bynum as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 23-951.

7-5138.

Muskogee, Indian Territory, August 10, 1906.

W. S. Hurt,

Ravia, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 12, 1906, transmitting affidavits of Coral Bynum and S. E. Cummings to the birth of Cleo Bynum, child of C. D. Bynum and Coral Bynum, September 2, 1903.

Respectfully,

Commissioner.

JBM

Choc. Minor 952
Martha Almeda Asher

D.P.

Dismissed 2-21-07.

Copy of decision forwarded applicant 2-21-07.

Copy of decision forwarded attorneys for Choc. + Chick. Nations 2-21-07.

M952

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as a citizen by blood of the Choctaw Nation of

MARTHA ALMEDA ASHER 23-952

No. 252

Maria Almeda Ishu...

Brm Feb 1 1873

June 21, 1906

Territory of Oklahoma,)
County of Comanche.) ss.

This is to certify that I Martha Almeda Asher, on oath do testify that I was born in Krebs, Indian Territory, February 1st 1893. That I am now an orphan and do not remember my father. My mother, Frances Asher often told me that my father was a half blood Chootaw Indian. My grand-father and grand-mother Asher were said to be Chootaw Indians and were on the Chootow Indian Rolls of the Indian Territory.

I have a brother, Calvin Asher at McAlester, Indian Territory. Since I have been an orphan I have been in charge of the Oklahoma Children's Home Society and have lived where ever they placed me.

I hereby pray that my case receive your prompt attention and that I be allotted my just portion of said Tribal lands and funds.

In testimony whereof I have hereunto set my hands this the 16th day of June, 1906.

Martha Almeda Asher

Subscribed and sworn to before me Merritt J.Glass a Notary Public in and for Comanche County, Oklahoma Territory. This 16th day of June 1906.

Merritt J. Glass
Notary Public.

My Commission expires Feb. 16. 1910.

DEPARTMENT OF THE INTERIOR
Commissioner of the General Land Office

FILED

JAN 31 1906

Territory of Oklahoma,)
County of Comanche.) ss.

Mrs. C.E.Hobbs, of lawful age on oath does testify: that in May 1906 she received from the Children's Home Society at Guthrie, Oklahoma, an orphan girl about thirteen years of age, by the name of Martha Almeda Asher.

That the said Martha Almeda Asher resembles an Indian in appearance, and from her evidence she believes her to be of Indian blood and that the said Martha Almeda Asher should be put on the Indian Rolls of said Choctow Tribe of Indians and have allotted to her her portion of the said Tribal lands and funds.

Witness my hand this the 16th day of June 1906.

C E Hobbs

Subscribed and sworn to before me this the 16th day of June, 1906.

Notary Public.

My Commission expires on the 16th day of February 1910.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

23-952

In the matter of the application for the enrollment of MARTHA ALMEDA ASHER as a citizen by blood of the Choctaw Nation.

D E C I S I O N .

The record herein shows that on June 21, 1906, written application was filed with the Commissioner to the Five Civilized Tribes for the enrollment of Martha Almeda Asher as a citizen by blood of the Choctaw Nation.

It is alleged in said application that the mother of the applicant was Frances Asher. The name of the father of said applicant is not mentioned in the application.

The name of Frances Asher, the mother of the applicant, cannot be identified on the final roll of citizens by blood of the Choctaw Nation, neither does it appear that any application for her enrollment as a citizen by blood of said nation was pending on April 26, 1906.

It does not appear that any application was ever made for the enrollment of the applicant herein as a citizen of the Choctaw nation prior to June 21, 1906.

I am of the opinion that under the provisions of the Act of Congress approved April 26, 1906, I am without authority to receive or consider the application for the enrollment of Martha Almeda Asher as a citizen by blood of the Choctaw Nation, that the same should be dismissed, and it is so ordered.

COMMISSIONER.

Muskogee, Indian Territory,

FEB 21 1907

23-952.

Muskogee, Indian Territory, February 21, 1907.

Frances Asher,

Lawton, Oklahoma.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 21, 1907, dismissing the application for the enrollment of Martha Almeda Asher as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

Registered
Incl. 23-952.

23-952.

Muskogee, Indian Territory, February 21, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 21, 1907, dismissing the application for the enrollment of Martha Almeda Asher as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

Incl. 23-952.

Lawton, Oklahoma, June 16, 1906.

Hon. Tams Bixby,

Muskogee, I.T.

Dear Sir:-

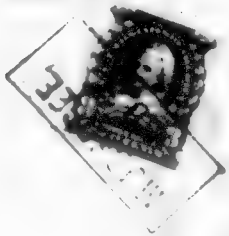
Enclosed herewith please find affidavits of Martha Almeda Asher and Mrs. C. E. Hobbs. I trust that this will receive your prompt attention for I believe that this child has been unlawfully neglected in not having her name placed on the Choctaw Indian Rolls before this. I submit the testimony herewith for your approval and any other information that you may deem necessary to substantiate her claim I hope you will notify me and I shall undertake to secure same.

Tahnking you for an early reply I remain,

Very respectfully

Merritt J. Glass

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.







1063


LAWTON
FEB 27
12 M
OKLA.

Choc. Minor 953
Alva Adams

M953

Duplicate record bound.
See Petition C-#130.
Dismissed Feb. 13, 1907.
Copy of decision forwarded applicant 2-13-07.
Copy of decision forwarded attorney for applicant 2-13-07.
Copy of decision forwarded attorneys for Choc. + Chick. Nations 2-13-07.
Record forward Dept. 2-13-07.

DEPARTMENT OF THE INTERIOR, W.C.P.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

C- 130
7-D- 2
7- 13
7- 14
7-D-293
7-D-299
7- 2708
7- 2709
7- 3277
7- 3279
7-3280
7- 3294
7- 3295
7- 3296
7- 3297
7- 3298
7- 3234
23- 953
23- 970
23- 991
23- 992

In the matter of the application for the enrollment of THOMAS P. LEWIS, et al, as citizens by blood and intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes at Calvin, Indian Territory, August 7, 1899, by Thomas P. Lewis for the enrollment of Himself, his children, Lawrence Lewis, Laura Lewis, Antha L. Lewis, and Oscar Lewis as citizens by blood of the Choctaw Nation and for the enrollment of his wife, Augusta M. Lewis, as a citizen by intermarriage of the Choctaw Nation; the census card record shows that on the same date application was made by Zora P. Lewis for the enrollment of herself as a citizen by blood of the Choctaw Nation; that on the same date application was made by Edward M. Lewis for the enrollment of himself and children, Gail B. Lewis, Edward H. Lewis and Zora A. Guyer as citizens by blood of the Choctaw Nation and for the enrollment of his wife, Sarah E. Lewis, as a citizen by intermarriage of the Choctaw Nation; that on July 16, 1900, written application was filed for the enrollment of Lindly Blaine Guyer and on June 7, 1901, application was filed for the enrollment of Edith May Guyer; on September 24, 1902, application was filed for the enrollment of Fielding Lewis Guyer, minor child of William H. Guyer and Zora A. Guyer, as citizens by blood of the Choctaw Nation; that on August 7, 1899, application was made to the Commission to the Five Civilized Tribes by Edward M. Lewis for the enrollment of Sarah J. McKibben and her children, George L. McKibben, Cassie O. McKibben, Claude McKibben, Thomas P. McKibben and Grant McKibben as citizens by blood of the Choctaw Nation; that on the same date application was made by Lydia Clark to the Commission to the Five Civilized Tribes for the enrollment of herself as a citizen by blood of the Choctaw Nation; that on the same date application was made to the Commission to the Five Civilized Tribes by Virgil Cowart for the enrollment of himself as a citizen by blood of the Choctaw Nation and for the enrollment of his wife, Anna Cowart, as a citizen

by intermarriage of the Choctaw Nation; that on September 2, 1898, application was made by Marshall Cowart for the enrollment of himself and his brothers, Samuel P. Cowart and George V. Cowart, as citizens by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Calvin, Indian Territory, during the month of August, 1899, by Lucy Adams for the enrollment of herself and her minor children, Mabel Adams and Earnest P. Adams, as citizens by blood of the Choctaw Nation; that on February 24, 1902, written application was filed for the enrollment of Ida Vadis Adams, minor child of said Lucy Adams and A. M. Adams as a citizen by blood of the Choctaw Nation; that on August 7, 1899, application was made to the Commission to the Five Civilized Tribes by Zora S. Early for the enrollment of herself and her daughter, Nellie Early, as citizens by blood of the Choctaw Nation; that on June 14, 1901, written application was filed for the enrollment of Albert Clarence Goodwin, minor child of Nellie Goodwin, nee Early, and John Goodwin as a citizen by blood of the Choctaw Nation; that on September 2, 1898, application was made to the Commission to the Five Civilized Tribes by Joseph H. Leard for the enrollment of himself, Madison Leard, Jack Leard, Maud Early and Hugh Early as citizens by blood of the Choctaw Nation and for the enrollment of his wife, Belle Leard, as a citizen by intermarriage of the Choctaw Nation; that on February 28, 1901, written application was filed for the enrollment of Frank David Leard, minor child of Madison Leard and Eliza Leard as a citizen by blood of the Choctaw Nation; that on August 29, 1901, written application was filed for the enrollment of Elihu Venable, minor child of John Venable and Maud Venable as a citizen by blood of the Choctaw Nation; that on June 14, 1899, application was made to the Commission to the Five Civilized Tribes at Spiro, Indian Territory, by Olivia Pryor for the enrollment of herself and her minor children, Kyle Douglass, Henry Jordan, Rhoda Jordan, Zora Jordan, George Pryor, James Pryor, Mary E. Pryor and Sallie O. Pryor as citizens by blood of the Choctaw Nation; that on August 18, 1900, written applications were filed for the enrollment of Vernon Pryor and Earl Pryor, minor children of said Olivia Pryor and S. V. Pryor as citizens by blood of the Choctaw Nation; that on September 2, 1898, application was made to the Commission to the Five Civilized Tribes at Calvin, Indian Territory, by Angeline Tabor for the enrollment of herself and her minor children, Willie Tabor, Ben Tabor and Herschel L. Tabor as citizens by blood of the Choctaw Nation; that on March 1, 1901, written application was filed for the enrollment of Ruthe Adams, minor child of Angeline Tabor, (now Adams) and J. J. Adams, and on August 7, 1902, written application was filed for the enrollment of Leona Tabor, minor child of Angeline Tabor and Sherman Tabor as citizens by blood of the Choctaw Nation; that on September 29, 1898, application was made to the Commission to the Five Civilized Tribes at Tishomingo, Indian Territory, by Julius M. Leard for the enrollment of himself and his minor children, Frank Leard, Sudie Leard and Mannie Leard as citizens by blood of the Choctaw Nation; that on August 6, 1900, written application was filed for the enrollment of Barney Edward Leard and on November 1, 1901, written application was filed for the enrollment of David Leard, minor children of Sudie Leard and Julius M. Leard as citizens by blood of the Choctaw Nation; that on June 14, 1899, application was made to the Commission to the Five Civilized Tribes at Spiro, Indian Territory, by Ophelia E. Edwards for the enrollment of herself and children, Charles Edwards, Lula J. Edwards, Martha J. Edwards, David L. Edwards and Luther W.

Edwards as citizens by blood of the Choctaw Nation; that on August 5, 1899, application was made to the Commission to the Five Civilized Tribes at Wartsherne, Indian Territory, by Joseph M. Edwards for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation.

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made on September 9, 1896, for the admission of certain of the applicants as citizens of the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), the names of the applicants herein appearing in said application as follows: Zora P. Lewis, Edward M. Lewis, Sarah E. Lewis, Gail B. Lewis, Zora A. Lewis, Edward M. Lewis, Thomas P. Lewis, Augusta M. Lewis, Laura A. Lewis, Antha Lewis, Lawrence Lewis, Oscar Lewis, Lydia Clark, Olivia Pryor, Kyle Douglass, Henry Jorden, Rhoda Jorden, Zora Jorden, George Pryor, James Pryor, Mary E. Pryor, Virgil Cowart, Annie Cowart, Samuel P. Cowart, George E. Cowart, Marshal Cowart, Angeline Taber, Willie L. Taber, Benny M. Taber, Herschel L. Taber, Julius M. Leard, Frank A. Leard, Sudie E. Leard, Mannie E. Leard, Maud Early, Hugh M. Early, Joseph M. Leard, Bell Leard, Madisen L. Leard, Jackson A. Leard, Sarah Jane McKibben, George Lewis McKibben, Cassie O. McKibben, Claud T. McKibben, Thomas P. McKibben Zora S. Early, nee Lewis, Lucy Adams, nee Early, Nelly O. Early, Mable Adams, Ophelia S. Edwards, Joseph M. Edwards, Charles Edwards, Lula Edwards, Martha J. Edwards and David L. Edwards. The names of George W. McKibben and Preston Early were also included in said application.

On December 4, 1896, the Commission to the Five Civilized Tribes denied the above application from which decision appeal was taken to the United States Court for the Central District of Indian Territory, which Court on January 19, 1898, reversed the decision as to the above applicants and admitted said applicants to citizenship in the Choctaw Nation.

Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw-Chickasaw Citizenship Court of December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al".

Said cause as to all the applicants herein except Sarah J. McKibben and Edward M. Lewis was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo and on December 3, 1904, in the case entitled "Zora P. Lewis, et al, vs. Choctaw and Chickasaw Nations", said Citizenship Court rendered a judgment wherein it was "ordered adjudged and decreed that the petition of the plaintiffs, Zora P. Lewis, Thomas P. Lewis, Zora S. Early, Olivia Pryor, Gale B. Wooding or Gale B. Lewis or Gail B. Lewis, Marshal Cowart, Virgil Cowart, Angelina Adams or Angeline Taber, or Angeline Taber, Julius M. Leard, Madisen Leard or Madison L. Leard, Jack Leard, Maude Early, Hugh Early, Olivia Clark, Lawrence Lewis, Laura Lewis, Lucy Adams, Nellie Goodwin or Nellie Early, George L. McKibben or George Lewis McKibben, Cassie C. McKibbin or McKibben, Claud McKibbin or McKibben, Thomas P. McKibbin or McKibben, Frank A. Leard, Mabel Adams ... Zora A. Lewis, Edward M. Lewis, Sudie Leard, Mannie Leard, Ben Taber, Herschel Taber, Kyle Douglass or Douglas, Henry Jordan, Rhoda Jordan, Zora Jordan, George Pryor, James Pryor, Mary E. Pryor or Mary E. Pryor . . . Andth L. Lewis or Antha L. Lewis, Oscar Lewis . . Joseph M. Leard, Sarah E. Lewis, Augusta M. Lewis, Samuel P. Cowart, George V. Cowart, Anna Cowart and Belle Leard be denied and

that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom".

On the same date said Citizenship Court rendered a judgment in the case of "Preston Early, et al, vs. Choctaw and Chickasaw Nations" wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Preston Early, Joseph M. Edwards, George W. McKibben or McKibben . . . be denied and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom".

On the same date said Citizenship Court rendered a judgment in the case entitled "Ophelia S. Edwards, et al, vs. Choctaw and Chickasaw Nations" wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Ophelia S. Edwards, David L. Edwards, Charles Edwards, Lula Hayes or Lula Edwards and Martha J. Smith or Martha J. Edwards be denied and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom".

On January 19, 1905, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Earnest P. Adams, Ida Vadis Adams, Frank David Leard, Elihu Venable, Sallie O. Pryor, Earl Pryor, Ruthe Adams, Vernon Pryor, and Leona Tabor. January 21, 1905, said Commission issued orders dismissing the applications for the enrollment of Lindly Blaine Guyer, Edith May Guyer, Fielding Lewis Guyer, Albert Clarence Goodwin and Luther W. Edwards. On January 24, 1905, said Commission issued an order dismissing the applications for the enrollment of Barney Edward Leard and David Leard. Said orders were based on the fact that the rights of the persons through whom the above applicants claim the right to enrollment as citizens of the Choctaw Nation have been adversely determined by the Choctaw and Chickasaw Citizenship Court.

On January 26, 1905, said Commission issued an order dismissing the application for the enrollment of Grant McKibben for the reason that the rights of said applicant's brothers and sisters whose status as citizens by blood of the Choctaw Nation was identical with the status of said applicant had been adversely determined by said Choctaw and Chickasaw Citizenship Court.

On the same date said Commission issued orders dismissing the application for the enrollment of Sarah J. McKibben and Edward M. Lewis as citizens by blood of the Choctaw Nation for the reason that the judgment of the United States Court of January 19, 1898, favorable to said applicants had been set aside by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, and said cause as to said applicants was not certified to the Choctaw and Chickasaw Citizenship Court for a trial denovo.

On June 26, 1906, there was received at the office of the Commissioner to the Five Civilized Tribes a petition praying for the enrollment of the following persons as citizens by blood of the Choctaw Nation: Zora P. Lewis, Thomas P. Lewis, Augusta M. Lewis, Lydia Clark, George Clark, Lawrence Lewis, Laura Lewis, Frank Davis, Antha Lewis, Oscar Lewis, Rheda Cowart, Olivia Pryor, Virgil Cowart, Marshall Cowart, George W. Cowart, Kyle Douglass, Henry Jordin,

Rhoda Jordan, Zora Jordan, George Pryor, James Pryor, Mary E. Pryor, Olivia Pryor, Vernon Pryor, Earle Pryor, Emmett Pryor, Josie Pryor, William Early, William E. Hays, Cora Bailey, Samuel Douglas, Ethel Douglas, Henry Munn, Tula Munn, Zora S. Early, Preston Early, Lucy Adams, A. M. Adams, Nellie Goodwin, John Goodwin, Mabel Adams, Ernest Adams, Vadice Adams, Alvey Adams, Clarence Goodwin, Theodore Goodwin, Susan Early, Angeline Adams, John Adams, Julius Leard, Ludie Leard, Madison L. Leard, Eliza Leard, Jack Leard, Susie Leard, Joseph H. Leard, Belle Leard, Hugh Early, Maude Venable, John Venable, Willie Tabor, Benjamin Tabor, Herschel L. Tabor, Ruth Adams, Rufus Adams, Frank Leard, Sudie Leard, Nannie Leard, Barnie Leard, Dave Leard, Frank Leard, Roy Leard, [illegible] Leard, Elihu Venable, Alice Venable, Jewell Venable, Edward M. Lewis, Sarah E. Lewis, Gail Wooding, John L. Wooding, Zora A. Guyer, William H. Guyer, Edward M. Lewis, Clinton Tabor, Benjamin Tabor, Herschel L. Tabor, Ruth Adams, Rufus Adams, Frank Leard, Sudie Leard, Nannie Leard, Barnie Leard, Dave Leard, Frank Leard, Roy Leard, [illegible] Leard, Elihu Venable, Alice Venable, Jewell Venable, Edward M. Lewis, Sarah E. Lewis, Gail Wooding, John L. Wooding, Zora A. Guyer, William H. Guyer, Edward M. Lewis, Clinton L. Wooding, Lindley B. Guyer, Fielding L. Guyer, Edith Guyer, Jesse Lee Guyer, Rosa F. Guyer, Sarah J. McKibben, G. W. McKibben, George Lewis McKibben, Cassie O. McKibben, Claud McKibben, Thomas P. McKibben, Ophelia Edwards, J. M. Edwards, Charles Edwards, Lula Ratteree, Eugene Ratteree, Martha J. Smith, Oscar Smith, David Self, [illegible] Self and Loeta Ratteree.

It is alleged in the petition that the petitioners are entitled to enrollment under the supervisory authority of the Honorable Secretary of the Interior as members of the Choctaw Nation by virtue of their Choctaw descent and their residence with said tribe.

The following persons mentioned in the petition are identical with the persons for whose enrollment as citizens by blood and intermarriage of the Choctaw Nation application was made under the provisions of the Act of Congress approved June 28, 1898, (30 Stats., 495): Zora P. Lewis, Thomas P. Lewis, Augusta M. Lewis, Lydia Clark, Lawrence Lewis, Laura Lewis, Antha Lewis, Oscar Lewis, Olivia Pryor, Earl Pryor, Virgil Cowart, Marshall Cowart, George V. Cowart, Kyle Douglass, Henry Jordan, Rhoda Jordan, Zora Jordan, George Pryor, James Pryor, Mary E. Pryor, Edward M. Lewis, Sarah E. Lewis, Joseph H. Leard, Belle Leard, Olivia Pryor, Vernon Pryor, Zora S. Early, Lucy Adams, Nellie Goodwin, Mabel Adams, Earnest Adams, Vadice Adams, Clarence Goodwin, Angeline Adams, Julius Leard, Madison L. Leard, Jack Leard, Hugh Early, Maud Venable, Willie Tabor, Benjamin Tabor, Herschel L. Tabor, Ruth Adams, Frank Leard, Sudie Leard, Nannie Leard, Barnie Leard, Dave Leard, Frank Leard, Elihu Venable, Gail Wooding, Zora A. Guyer, Edward M. Lewis, Lindley B. Guyer, Fielding L. Guyer, Edith Guyer, Sarah J. McKibben, George Lewis McKibben, Cassie O. McKibben, Claud McKibben, Thomas P. McKibben, Ophelia E. Edwards, Charles Edwards, Lula Ratteree, Martha J. Smith and J. M. Edwards.

Application was made under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137) for the enrollment of the following persons as citizens by blood of the Choctaw Nation: July 20, 1906, Alva Adams, born January 8, 1905, minor daughter of A. M. Adams and Lucy Adams;

July 23, 1906, Theodore Early Goodwin, born January 31, 1905, minor son of John T. Goodwin and Nellie Goodwin;

July 24, 1906, Clinton L. Wooding born June 23, 1905, minor son of John L. Wooding and Gail E. Wooding.

July 20, 1906, Jessie Fay Guyer and Rosa Lee Guyer, born January 4, 1904 and March 22, 1905, respectively, children of J. W. Guyer and Zora A. Guyer.

It is not alleged in the petition that any of the petitioners herein ever occupied such a status as would entitle them to enrollment as citizens by blood or intermarriage of the Choctaw Nation; neither can any of the petitioners be identified with any

of the persons whose names appear on any of the tribal rolls of the Choctaw Nation in the possession of this office.

Section one of the Act of Congress approved April 26, 1906 (34 Stats., 137), provides in part as follows:

"No motion to reopen or reconsider any citizenship case in any of said tribes shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act".

I am of the opinion that inasmuch as the petition herein was not filed within sixty days after the passage of the Act of April 26, 1906 (34 Stats., 137), I am without authority to receive or consider said petition in so far as same applies to those applicants for whose enrollment application was made under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495).

I am, therefore, of the opinion that inasmuch as it does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that any of the applicants ever occupied such a status as would entitle them to enrollment as citizens by blood and intermarriage of the Choctaw Nation, the decisions of the Choctaw and Chickasaw Citizenship Court of December 3, 1904, are final and that the applications for the enrollment of Zora P. Lewis, Zora S. Early, Nellie Early, Thomas P. Lewis, Lawrence Lewis, Laura Lewis, Antha L. Lewis, Oscar Lewis, Lydia Clark, Virgil Cowart, Marshall Cowart, Samuel P. Cowart, George V. Cowart, Julius M. Leard, Frank Leard, Sudie Leard, Nannie Leard, George L. McKibben, Cassie O. McKibben, Claude McKibben, Thomas P. McKibben, Joseph H. Leard, Madison Leard, Jack Leard, Maud Early, now Maud Venable, Hugh Early, Olivia Pryor, Kyle Douglass, Henry Jordan, Rhoda Jordan, George Pryor, James Pryor, Mary E. Pryor, Angeline Adams, formerly Tabor, Willie Tabor, Ben Tabor, Herschel L. Tabor, Zora A. Guyer, Lucy Adams, Mabel Adams, Gail E. Lewis, now Gail E. Wooding, Edward H. Lewis, Zora Jordan, Ophelia S. Edwards, Charles Edwards, Eula J. Patterson, nee Edwards, Martha J. Smith, nee Edwards and David L. Edwards as citizens by blood of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902, (32 Stats., 641) and that the petition herein, in so far as it applies to said applicants, should be dismissed and it is so ordered.

I am further of the opinion that the application for the enrollment of Augusta M. Lewis, Anna Cowart, Sarah E. Lewis, Belle Leard and Joseph M. Edwards as citizens by intermarriage of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641) and that the petition herein in so far as same applies to said petitioners should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners Edward M. Lewis, Sarah J. McKibben, Ruth Adams, Leona Tabor, Sallie O. Pryor, Vernon Pryor, Earl Pryor, Frank David Leard, Elihu Venable, Grant McKibben, Barnie Edward Leard, David Leard, Albert Clarence Goodwin, Lindly Blaine Guyer, Edith May Guyer, Fielding Lewis Guyer, Earnest R. Adams and Ida Vadis Adams, whose applications for enrollment have heretofore been dismissed, should be dismissed, and it is so ordered.

I am further of the opinion that the petitionherein in so far as same applies to the petitioners O. W. McKibben, John L.

Wooding, William Early, William H. Guyer, John Adams, Lucie Leard, wife of Julius Leard, Alma Leard, Susie Leard, John Venable, Frank Davis, George Clark, A. M. Adams, Preston Early, John Goodwin, Eugene Patterson, Oscar Smith, Rhoda Stewart, Davie Self and ___Self, husband of Davie Self, should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Emmett Pryor, Jessie Pryor, Cora Bailey, Samuel Douglass, Ethel Douglass, Henry Mann, Lula Mann, Jesse Lee Guyer, Rosa P. Guyer, Rufus Taber, Ray Leard, Ona Leard, Allice Venable, Jewell Venable, Leota Patterson and William H. Hays should be considered as an application for the enrollment of said persons as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and that inasmuch as said applications were not filed within the time limited by the provisions of said Act, the same should be dismissed, and it is so ordered.

I am further of the opinion that the application filed July 23, 1906 and July 24, 1906, for the enrollment of Alva Adams, Theodore Early Goodwin, Clinton L. Wooding, Jessie Fay Guyer and Rosa Lee Guyer and the petition herein in so far as same applies to said applicants should be dismissed, and it is so ordered.

(signed) Tams Bixby,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

Feb 13 1907

7-3277

Muskogee, Indian Territory, July 30, 1906.

A. M. Adams,

Center, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Lucy Adams and J. R. Craig to the birth of Alva Adams, child of A. M. and Lucy Adams, January 8, 1905.

Respectfully,

Commissioner.

Choc. Minor 954
Dovie B. Alexander
Bee Alexander

M 954

Refused 2-15-07
For record see 7-3647.
Record forwarded department 2-15-07
Action approved by Secretary of Interior 3-4-07.
Notice of departmental action forwarded attorneys for Choc. + Chick. Nations 4-3-07.
Notice of departmental action forwarded attorney for applicant 4-3-07.
Notice of departmental action mailed applicant 4-3-07.

7-3647

Muskogee, Indian Territory, August 17, 1906.

Elisa A. Alexander,

Caddo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of July 21, 1906, enclosing affidavits of yourself and Willie Elrode to the birth ofDovie R. Alexander and Bee Alexander, children of James and Elisa A. Alexander, February 5, 1904, and March 1, 1906, respectively.

Respectfully,

Commissioner.

Choc. Minor 955

Seldon J. McCarty

M955

Decision rendered 10-20-06

Refused 10-20-06.

Copy of decision forwarded attorneys for Choc. + Chick. Nations 10-20-06.

Copy of decision forwarded applicant 10-20-06.

Record forwarded department 10-20-06.

Action approved by Secretary of Interior 2-21-07.

Notice of Dept. action forwarded attorneys for Choc. + Chick. Nations 4-17-07.

Notice of Dept. action mailed applicant 4-17-07.

NEW BORN #955

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

....Seldon J. McCarty.....

as a citizen of

Choctaw
..... Nation.

Approved..... 190...

.....
Commissioner.

Born Dec. 6, 1904

Act of Congress approved
April 26, 1906

Department of the Interior
Commissioner to the Five
Civilized Tribes.
Filed Aug 4, 1906
Tams Bixby. Commissioner

CHOCTAW RECEIVED JUL 20 1906.
N. B. 955.

BIRTH AFFIDAVIT 1906

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Seldon J. McCarty [Here insert name of child], born on the day of December 1904

Name of Father: Oscar B. McCarty a citizen of the Choctaw Nation.

Name of Mother: Minnie B. McCarty a citizen of the U.S Nation.

Tribal enrollment of father. Tribal enrollment of mother.

Postoffice Glenn Indian Territory

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Minnie B. McCarty, on oath state that I am thirty years of age and a citizen by of the United States Nation; that I am the lawful wife of Oscar B. McCarty, who is a citizen, by blood of the Choctaw Nation; that a Male [Male or Female] child was born to me on 6th day of December 1904; that said child has been named Seldon J. McCarty, and was living March 4, 1906

(Signed) Minnie B. McCarty

WITNESSES TO MARK:

(SEAL) [Must be Two Witnesses] } C. E. Bucy
J. B. Robertson

Subscribed and sworn to before me this 17th day of July 1906.

(Signed) W. S. Gardner
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, J. O. Rodgers, a physician, on oath state that I attended on Minnie B. McCarty, wife of Oscar B. McCarty on the 6th day of December 1904; that there was born to her on said date a Male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Seldon J. McCarty

(Signed) J. O. Rodgers M. D.

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 18th day of July 1906.

(SEAL) (Signed) I. J. Briscoe
Notary Public.

23-955.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Seldon J. McCarty as a citizen of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on July 20, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Seldon J. McCarty as a citizen of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that the applicant, Seldon J. McCarty, was born on December 6, 1904, and is the son of Oscar B. McCarty who was denied citizenship (as Oscar McCarty) in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court April 30, 1904, in case No. 27 upon the South McAlester Docket thereof, and Minnie B. McCarty, a non-citizen and non-applicant, either for enrollment as a citizen of the Choctaw Nation or for identification as a Mississippi Choctaw.

I am of the opinion that Seldon J. McCarty is not entitled to enrollment as a citizen of the Choctaw Nation, and that the application for his enrollment as such should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

_____.

23-955.

Muskogee, Indian Territory, October 20, 1906.

Oscar McCarty,

Glenn, Indian Territory.

COPY.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Seldon J. McCarty as a citizen of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl. 23-955.

23-955.

Muskogee, Indian Territory, October 20, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

McAlester, Indian Territory.

COPY

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Selden J. McCarty as a citizen of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 23-955.

Muskogee, Indian Territory, October 20, 1906.

COPY.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for enrol ment of Seldon J. McCarty as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, denying said application.

Respectfully,

Tate

Commissioner.

2 Incl. 23-985.

Through the
Commissioner of Indian Affairs.

JPJr.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

D. C. 10932-1907.
I. T. D. 4986-1907. February 21, 1907.

L.R.S.
Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

October 20, 1906, you transmitted the record in the matter of the application for theenrollment of Selden J. McCarty as a citizen of the Choctaw Nation, including your decision of the same date, adverse to the applicant.

Reporting February 18, 1907 (Land 28936-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos Ryan
First Assistant Secretary.

1 inc. and 2 to Ind. Of.

A.F.W.
2-23-07.

DEPARTMENT OF THE INTERIOR,

LAND
92936-1906

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

C O P Y

February 18, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed record of proceedings in the matter of the application for the enrollment of Selden J. McCarty as a citizen of the Choctaw Nation, including decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, adverse to the applicant..

The record shows that on July 20, 1906 application was made to the Commissioner to the Five Civilized Tribes for the enrollment of the applicant as a citizen of the Choctaw Nation. The record further shows that Selden J. McCarty was born on December 6, 1904, and is the son of Oscar B. McCarty, who was denied citizenship in the Choctaw Nation as "Oscar McCarty," by the Choctaw and Chickasaw Citizenship Court on April 30, 1904, and Minnie B. McCarty, a non-citizen.

This case does not come within the Lula West case approved by the Department February 10, 1905, (I.T.D. 10353-1904).

By reason of the provisions of the Act of Congress approved April 26, 1906, (34 Stat.L., 137), the Office concurs in the decision of Commissioner Bixby denying the enrollment of the applicant herein as a citizen of the Choctaw Nation.

Very respectfully,

C.F.Larrabee.

Acting Commissioner.

EBM-LC..

23-963

Muskogee, Indian Territory, April 17, 1907.

Oscar McCarty,

Glenn, Indian Territory.

Dear Sir:

You are hereby advised that on February 2[illegible], 1907, the Secretary of the Interior affirmed the decision of this office of October 20, 1906, denying the application for the enrollment of Seldon J. McCarty as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

23-095

Muskogee, Indian Territory, April 17, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 21, 1907, the Secretary of the Interior affirmed the decision of this office of October 20, 1906, denying the application for the enrollment of Seldon J. McCarty as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

7-3401

Muskogee, Indian Territory, July 30, 1904.

Oscar B. McCarty,

Glenn, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of the affidavits of Minnie B. McCarty and J. O. Rogers to the birth of Seldon J. McCarty, child of Oscar B. and Minnie B. McCarty, December 6, 1904.

Respectfully,

Commissioner.

Choc. Minor 956

John William Thompson
Hazel Maud "

M956

Refused Jan 10, 1907.

Copy of decision forwarded applicant 1-10-07.

Copy of decision forwarded attorney for applicant 1-10-07.

Copy of decision forwarded attorneys for Choc. and Chick. Nations 1-10-07.

Record forwarded Dept. 1-19-07.

Action approved by Secretary of Interior 3-2-07.

Notice of Dept. action forwarded attorneys for Choc. + Chick. Nations 4-15-07.

Notice of Dept. action forwarded attorney for applicant 4-15-07.

Notice Dept. action mailed 4-15-07.

3-1-09 Dept. requests report.

4-22-09 Report to Dept.

6-2-09 Dept. holds case is not analogous to Goldsby case and declines to take action looking to enrollment of applicants

6-16-09 Parties notified.

Department of the Interior

Commissioner to the Five

Civilized Tribes.

Filed Jul 10 1906

Tams Bixby, Commissioner.

CERTIFICATE OF MARRIAGE.

TERRITORY OF OKLAHOMA, COUNTY OF WASHITA.

THIS IS TO CERTIFY THAT ON THE 8 day of March 1897 at J. A. Vaughans, in Washita County, according to law and by authority,

I DULY JOINED IN MARRIAGE

Mr John D Thompson of Cloud-Chief Washita Co. O. T. and Miss Gnevie Weir of Washita C O, O. T.

That there appeared to be no lawful impediment to such Marriage, and that the parties were satisfactorily proven to be the persons described in this certificate, and of sufficient age to contract Marriage.

There was present as witness Mr Nelson & Mis Weir of Washita Co. O. T.

Given under my hand the 8 day of March 1897 .

(Signed) J. A. Vaughan.

I, Ella Bailey, a stenographer to the Commissioner to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the marriage certificate between John D. Thompson and Gnevie Weir.

Ella Bailey.

Subscribed and sworn to before me this 17th day of March 1908.

John E Tidwell

Notary Public.

NEW BORN #956

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

John William Thompson

as a citizen of

Choctaw Nation.

Approved..... 190...

.....

Commissioner.

Born July 19, 1899

ACT OF CONGRESS APPROVED [illegible] 1906.

JUL 10 1906

CHOCTAW NATION

RECEIVED JUN 12 1906

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of John William Thompson, born on the 9 day of July 1899
[Here insert name of child]

Name of Father: John Thompson, a citizen of the Choctaw Nation.

Name of Mother: Emma Genera Thompson, a citizen of the Choctaw Nation.

Tribal enrollment of father Choctaw Tribal enrollment of mother

Postoffice [redacted] Rush Springs I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Okla Ter, Indian Territory,
Washita Co. District.

I Emma Genera Thompson on oath state that I am 26 years of age and a citizen by Marriage of the Choctaw Nation; that I am the lawful wife of John Thompson, who is a citizen, by Blood of the Choctaw Nation; that a Male child was born to me on 9 day of July 1899 that said child has been named John William Thompson and was living March 4, 1906

Emma Genera Thompson.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 2nd day of June 1906.

B. W. Beesley
Notary Public.

My Commission Expires August 8th 1906

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Oklahoma Indian Territory,
Kiowa County District.

I, W. J. Darnell a Physician on oath state that I attended on Emma Genera Thompson wife of John Thompson on the 9th day of July 1899; that there was born to her on said date a Boy (Male or Female) child; that said child was living March 4, 1906, and is said to have been named John William Thompson

W. J. Darnell M. D.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 5th day of June 1906.

J. Logan
Notary Public.

My Commission Expires 5/17/09.

+956.

NEW BORN 190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Hazel Maud Thompson

as a citizen of

Choctaw Nation.

Approved..... 190...

.....

Commissioner.

Born June 9, 1903

ACT OF CONGRESS APPROVED APRIL 26, 1906.

DEPARTMENT OF THE INTERIOR

JUL 10 1906

CHOCTAW

I.B. 956.

RECEIVED

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BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Hazel Maud Thompson, born on the 19 day of June 1903
[Here insert name of child]
Name of Father: John Thompson a citizen of the Choctaw Nation.
Name of Mother: Emma Genera Thompson a citizen of the Choctaw Nation.
Tribal enrollment of father... Choctaw ... Tribal enrollment of mother.....
Postoffice Rush Springs I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian~~ Okla Territory,
Washita co, District.
I, Emma Genera Thompson ..... on oath state that I am 26
years of age and a citizen by Marriage of the Choctaw ..... Nation;
that I am the lawful wife of John Thompson ....., who is a citizen, by
Blood ..... of the Choctaw ..... Nation; that a Female child was
[Male or Female]
born to me on 19 day of June 1903; that said child has been named
Hazel Maud Thompson ..... and was living March 4, 1906.

Emma Genera Thompson.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 2nd day of June 1906.

J. B. W. Bewley
Notary Public

My Commission Expires August 8th 1906

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian~~ Okla Territory,
Kiowa County District.
I, Virgil A. Voyles ..... a physician, on oath state that I
attended on Emma Genera Thompson wife of John Thompson.
on the 19th day of June 1903; that there was born to her on said date a female
[Male or Female]
child; that said child was living March 4, 1906, and is said to have been named.....
Hazel Maud Thompson

Virgil A. Voyles M.D.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 5th day of June 1906.

Armstead M. Hurst
Notary Public

My Commission Expires Sept 4, 1909.

7-R-728
688
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COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of FRANKLIN M. HARTON, et al, as citizens of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that in the year 1899, application was made by Franklin M. Horton at South McAlester, Indian Territory, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Mattie Horton, and his children, John, James, Rachel, Mary M. and Nancy Ella Horton, as citizens by blood of said nation, and for the enrollment of his step-mother, Narcissa S. Thompson, as a citizen by intermarriage of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at South Canadian, Indian Territory, in September, 1899, by William H. McCoy, for the enrollment of himself and his children, Buford T. McCoy, maud McCoy, Cordie McCoy and William McCoy as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Mary C. McCoy, as a citizen by intermarriage of said nation; that application was made by William E. Percival at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Narcissa Ella Percival, and his minor children, Jesse, Taylor, Forrest, Katie and Rebecca Percival, as citizens by blood of the Choctaw Nation; that on December 10, 1903, written application was made for the enrollment of Sadie Percival as a citizen by blood of the Choctaw Nation. Subsequent proceedings show that the correct name of said applicant is Narcissa Sadie Percival. Application was made by Charles H. Darken at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Sarah Jane Darken, and his minor children, John Henry, Charles H., Myrtle E. and Gertrude Darken, and for the enrollment of Benjamin Oliver Welch, Maulty Loley and Walter Welch, children of the said Sarah Jane Darken, and for the enrollment of Willie Loley, minor daughter of Maulty Loley, as citizens by blood of said nation; that application was made to the Commission to the Five Civilized Tribes by John T. Thompson

at Colbert, Indian Territory, on June 21, 1900, for the enrollment of himself and his minor children, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson and John Woody Thompson, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of said nation; that application was made to the Commission to the Five Civilized Tribes at South McAlester, Indian Territory, in the year 1899, by Nannie Vaughan, for the enrollment of herself and her minor children, Hattie, Callie, Stella and Roy Vaughan, as citizens by blood of the Choctaw Nation; that application was made in September, 1899, to the Commission to the Five Civilized Tribes by Thomas J. O'Quinn, for the enrollment (among others) of John T. O'Quinn and his minor daughter, Delphy O'Quinn, and Minnie L. Leddy as citizens by blood of the Choctaw Nation, and for the enrollment of May O'Quinn, wife of John T. O'Quinn, as a citizen by intermarriage of said nation. Subsequent proceedings show that the correct name of the applicant Delphy O'Quinn is Ollie Odelphus O'Quinn.

It also appears that application was made in September, 1899, to the Commission to the Five Civilized Tribes, for the enrollment of John D. Thompson as a citizen of the Choctaw Nation, as is evidenced by the fact that in the testimony of F. M. Horton before the Commission at South McAlester, Indian Territory, in September, 1899, appears a statement made by Commissioner McCarmon, as follows:

> "The name of Narcissa S. Thompson also appears upon the roll of 1896, page 401, No. 15111, as an intermarried citizen, who is the mother of Mrs. Horton, who was never intermarried with a recognized citizen of the Choctaw Nation and is a white woman. Her enrollment is also refused.
>
> A son, John D. Thompson, whose case is exactly that of the Hortons above stated, and whose enrollment is also refused.
>
> The name of F. M. Horton is also found upon the roll of intermarried persons of 1896, page 390, No. 14658, he being the husband of Hattie Horton, whose enrollment is also refused."

On January 21, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of William E. Percival as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Narcissa Ella Percival, and his minor children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival and Rebecca Percival, as citizens by blood of the Choctaw Nation, together with the decision of the same date, rejecting all of the applicants in said case.

On the same date the Commission to the Five Civilized Tribes transmitted to the Department the record in the matter of the application of Nannie Vaughan for the enrollment of herself and her minor children, Hattie, Callie, Stella and Roy Vaughan as citizens by blood of the Choctaw Nation, together with the decision of the Commission of the same date denying said application.

On September 26, 1905, there was filed with the Department a petition of Martha Harten, relative to the right to enrollment of herself, her husband, Frances M. Harten, and her children, John F. Harten, James W. Harten, Rachel S. Harten, Mary M. Harten, and Nancy R. Harten, as citizens of the Choctaw Nation.

It will be noticed that in the original application for the enrollment of this family, the name was spelled Horton, while

in the above petition said name is spelled Harten. Subsequent proceedings have established that said name is correctly spelled Harton, and said name will hereafter in this decision be spelled accordingly.

On September 26, 1905, there was filed with the Department a petition of Mannie Foster (formerly Vaughan), relative to the right to enrollment of herself and her children, Mattie Vaughan, Callie Vaughan, Mannie Vaughan, Roy Vaughan and Thomas Clide Foster, as citizens of the Choctaw Nation.

On the same date there was filed with the Department a petition of William E. Percival, relative to the right to enrollment of himself as an intermarried citizen of the Choctaw Nation, and his wife, Narcissie Ella Percival, and their children, Jessie Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival and Narcissie Sadie Percival, as citizens of the Choctaw Nation.

On the same date there was filed with the Department a petition of Sarah Jane Darken, relative to the right to enrollment of herself and her children, Benjamin Oliver Welch, Maultsia J. Welch, Walter P. Welch, John Henry Darken, Charles Bradley Darken, Myrtle Elvy Darken and Gertrude M. Darken, as citizens of the Choctaw Nation, and for the enrollment of her husband, Charles B. Darken, as a citizen by intermarriage of the Choctaw Nation.

On the same date there was filed with the Department a petition of John D. Thompson relative to the right to enrollment of himself as a citizen of the Choctaw Nation, in which he states:

> "I was married March 8, 1897, to Emma C. Weir, and as an issue of said marriage the following named children were born, John William Thompson, born July 9, 1899, and Mason Maud Thompson was born June 19, 1903."

While none of said petitions conclude with a prayer, they will be considered for the purposes of this decision as petitions for the enrollment of the persons mentioned therein as citizens by blood or intermarriage of the Choctaw Nation.

The Department in its letter of April 4, 1906 (I. T. D. 13766-1905), directed the Commissioner to the Five Civilized Tribes to adjudicate the rights of John T. Thompson, et al., to enrollment as citizens by blood of the Choctaw Nation, and instructed said Commissioner to take further testimony in the case if necessary.

The Department in its letter of April 5, 1906 (I. T. D. 1313-1906), set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of William E. Percival, et al., and instructed the Commissioner to make further investigation of the right of the applicants in said case to enrollment.

The Department in its letter of the same date (I. T. D. 1272-1905), set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of Mannie Vaughan, et al., and instructed the Commissioner to take further testimony in said case and to readjudicate the same.

The Department in its letter of April 17, 1906 (I. T. D. 1745-1906), transmitted a letter from John T. O'Quinn of Marlow,

Indian Territory, dated April 5, 1906, relative to his application for enrollment as a citizen of the Choctaw Nation, claiming his name was included as one of the applicants in the case of William C. Thompson, et al., and stated that no reason was seen why the rights of John T. O'Quinn should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the Choctaw Nation.

On May 4, 1906, John T. O'Quinn and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, were notified that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at nine o'clock A. M., hear the testimony of such witnesses as he might desire to present tending to establish his right to enrollment as a citizen by blood of the Choctaw Nation.

On May 16, 1906, John T. Thompson, Marlow, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at ten o'clock A. M., hear the testimony of such witnesses as he might desire to present in the matter of his application for enrollment as a citizen of the Choctaw Nation.

On the same date Sarah Jane Darken and Martha Harton were also notified to appear at the office of the Commissioner at ten o'clock A. M., on Monday, May 28, 1906, for the purpose of introducing testimony in support of the application for the enrollment of said Sarah Jane Darken and Martha Harton and families as citizens of the Choctaw Nation, it appearing that said Sarah Jane Darken and Martha Harton were sisters of said John T. Thompson and that application for the enrollment of said parties and their families as citizens of the Choctaw Nation had been made prior to December 25, 1902. Notice of said hearing was also forwarded the attorneys for the Choctaw and Chickasaw Nations.

On the same date William H. McCoy and Mansfield, McMurray & Cornish were notified that the Commissioner would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at ten o'clock A. M., hear the testimony of witnesses in support of the application for the enrollment of said William H. McCoy and his family as citizens of the Choctaw Nation.

On the same date Nannie Vaughan (now Nannie Foster), Talihina, Indian Territory, and Mansfield, McMurray & Cornish, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at eleven o'clock A. M., on Monday, May 28, 1906, hear the testimony of witnesses in support of the application for the enrollment of said Nannie Vaughan (now Foster) and children as citizens of the Choctaw Nation.

On the same date William E. Percival, Marlow, Indian Territory, and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at one o'clock P. M., Monday, May 28, 1906, hear the testimony of witnesses in support of the application of said William E. Percival and family as citizens of the Choctaw Nation.

On May 23, 1906, there was filed with the Commissioner to the Five Civilized Tribes a petition signed by Mary E. O'Quinn, relative to the right to enrollment of John T. O'Quinn and his children, Ollie Odolphus O'Quinn, Ruby O'Quinn, Agnes O'Quinn, Mark O'Quinn and Alpha S. O'Quinn as citizens by blood of the Choctaw Nation, and Fannie May O'Quinn as a citizen by intermarriage of said nation.

In conformity with the above notices a hearing was had at the office of the Commissioner May 28, 1906, at which time testimony was taken relative to the rights of Minnie Lee Leddy, John D. Thompson and his two minor children, John William Thompson and Hazel Maud Thompson, as citizens by blood of the Choctaw Nation. At said hearing Wirt Franklin of the firm of Apple & Franklin, Muskogee, Indian Territory, represented the petitioners. No appearance was entered by or on behalf of the Choctaw and Chickasaw Nations.

Applications were received by the Commissioner to the Five Civilized Tribes for the enrollment of the following persons as citizens of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137): May 8, 1906, Agnes O'Quinn, born March 25, 1900; Altha S. O'Quinn, born July 8, 1905; Ollie Odolphus O'Quinn, born August 23, 1896; Mark O'Quinn, born December 9, 1902; May 14, 1906, Ruby O'Quinn, born September 12, 1898, children of John T. O'Quinn and his wife, Fannie May O'Quinn. The application for the enrollment of Ruby O'Quinn shows that said applicant died March 15, 1899. May 28, 1906, George Pope Harton, born March 2, 1906, minor child of Franklin M. Harton and Martha Ann Harton; Viola Maude Hunt, born August 17, 1906, daughter of John Hunt and his wife, Rachel Susan Hunt (nee Harton); Bertha May Harton, born February 10, 1906, minor daughter of John F. Harton and his wife, Susie Harton; Narcissa Sadie Percival, born October 2, 1899, minor daughter of William E. Percival and Narcissa Ella Percival; June 13, 1906, Thomas Foster, born June 6, 1905, minor child of the applicant, Nannie Foster, formerly Vaughan, and her husband, Louis Foster; June 18, 1906, Thomas Pembrock Reville, born August 17, 1904; Clara May Reville, born March 25, 1900, minor children of J. M Reville and Maud Reville (nee McCoy); Amina McCoy, born July 22, 1902, and Fay McCoy, born June 12, 1905, children of Buford T. McCoy and his wife, Geneva McCoy; John D. Wooley, born February 4, 1902, and James B. Wooley, born April 30, 1904, children of Robert L. Wooley and his wife, Cordie Wooley (nee McCoy).

It appears from the records in the possession of the Commissioner to the Five Civilized Tribes that original application was filed with the Commission to the Five Civilized Tribes on September 9, 1896, for the admission of the following persons to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321):

Sarah Jane Thompson, now Darker,
Benjamin Welch,
Maultsie Welch,
Walter Welch,
Johny Darker,
Martha Ann Thompson, now Harton,

James William Harton,
John F. Harton,
Susie Harton,
Narcissa Ella Thompson, now Percival,
Jessee Percival,
Taylor Percival,
Forrest Percival,
Rebecca Percival,
Katie Percival,
Nancy E. Thompson, now Vaughn,
Nattie Vaughn,
Callie Vaughn and
Nannie Vaughn.

The records in the possession of the Commissioner further show that on December 8, 1896, said application was denied (1896 Choctaw Citizenship Case No. 1394, entitled Sarah Jane Thompson and Martha Ann Thompson vs. Choctaw Nation). From this decision no appeal was taken.

The record herein shows that the applicant, Charles B. Darken, was married in the year 1887 to Sarah Jane Darken, in accordance with the laws of the United States, and that on October 16, 1896, said applicants were remarried in accordance with the laws of the Choctaw Nation; that prior to her marriage to Charles B. Darken, said Sarah Jane Darken was married to Frank Welch, from whom she was lawfully divorced on November 6, 1886. The applicant, John T. O'Quinn, was lawfully married on August 27, 1895, to Fannie May Calhoun; that the applicant, John T. Thompson, was lawfully married on February 17, 1887, to Katie Calhoun; that the applicant, Franklin M. Harton, was married in the year 1880, to the applicant, Mattie Harton, but said marriage was not performed in accordance with the laws of the Choctaw Nation; that the applicant, John Harton, since his application for enrollment in 1899, was married to one Susie Girty, who is enrolled as a citizen by blood of the Cherokee Nation, opposite No. 17600; that the applicant, Bertha May Harton, is the issue of said marriage, and that election was made by said John Harton for the enrollment of said Bertha May Harton as a citizen of the Choctaw Nation; that the applicant, William M. Percival, was married in the year 1884 to Narcissa Ella Percival; that said marriage was not performed in accordance with the laws of the Choctaw Nation; said Narcissa Ella Percival died September 5, 1902. The applicant, John D. Thompson, was married in the year 1898, to Emma Geneva Weir. The applicant, Mary G. McLaurine, was married February 2, 1876, to William M. McCoy.

The principal applicants with their families have resided continuously in the Choctaw-Chickasaw country since several years prior to 1898.

The names of the applicants do not appear on any of the tribal rolls of the Choctaw Nation in the possession of the Commissioner to the Five Civilized Tribes except the 1896 Choctaw Census Roll, upon which appear the names of certain of the applicants, as follows:

John T. O'Quinn (as T. E. O'Quinn)	Opposite No. - 10029
Minnie L. Liddy (as Winnie Liddy)	5416
John T. Thompson (as Jno. T. Thompson)	12529
Mary F. Thompson	12530
William M. Thompson (as Wm. Thompson)	12531

Charles S. Thompson (as Charles Thompson)	Opposite No. -	12532
John M. Thompson (as Jno. M. Thompson)		12533
John Henry Darken (as Jno. Henry Darken)		3626
Charles B. Darken, Jr. (as Charles B. Darken)		3627
Benjamin Oliver Welch (as Benjamin Welch)		14020
Walter Welch		14021
Maultsy Lsley (as Maulsey Lawley)		8348
Mattie Horton		5993
Rachel Hunt (as Rachel S. Horton)		5994
John Horton (as Johnie Horton)		5995
James Horton (as Jimmie Horton)		5996
Mary M. Horton		5997
Narcissa Ella Percival (as Narcissus Percivill)		10554
Jesse Percival (as Jesse Percivill)		10555
Tayler Percival (as Tayler Percivill)		10556
Forrest Percival (as Forrest Percivill)		10557
Katie Percival (as Kate Percivill)		10558
Rebecca Percival (as Rebecca Percivill)		10559
Nannie Vaughan (as Nannie Vaughn)		12631
Hattie Vaughan (as Hattie Vaughn)		12632
Callie Vaughan (as Callie Vaughn)		12633
Stella Vaughan (as Stella Vaughn)		12634
William H. McCoy		9507
Buford T. McCoy		9508
Maudie McCoy		9509
Cordie McCoy		9510
William McCoy		9511

The name of Katie Thompson appears upon said roll as Kate Thompson, opposite No. 15126, as a citizen by intermarriage of the Choctaw Nation. The name of Mary G. McCoy also appears on said roll opposite No. 14892, as a citizen by intermarriage of the Choctaw Nation. The name of C. B. Darken also appears on said roll opposite No. 14485, as a citizen by intermarriage of the Choctaw Nation.

The name of the applicant, Sarah Jane Darken, does not appear upon the 1896 Choctaw Census Roll in the possession of the Commissioner to the Five Civilized Tribes. On September 21, 1906, there was filed with the Commissioner the affidavit of Wirt Franklin, executed September 20, 1906, in which he states that the Acting Commissioner who conducted the hearing in this case failed to identify upon the 1896 Choctaw Census Roll the name of Sarah Jane Darken, but that he did identify upon said roll the names of her children who were then living; that as attorney for the applicants, he asked for the "roll of citizens by blood of Atoka County, Indian Territory, of September 28, 1896", prepared by three Commissioners for that county, who were appointed under an act of the Choctaw Council approved September 18, 1896; that said roll was brought forth; that he examined the same and found on page 80 thereof the names of Sarah J. Darken, age 34, Benjamin Welch, age 17, and Walter Welch, age 14, John Henry Darken, age 8 and Charles B. Darken, age 5; that opposite the name of Sarah J. Darken is written in a different hand than the names and with lead pencil the word "doubtful"; that opposite the names of the others there appear the letters "O.K.", also written with lead pencil, while the names themselves were written with pen and ink; that he asked the Acting Commissioner at the time these names were found on the said county

roll to make a statement in the record which was then being made in this citizenship case, setting forth what this roll showed in regard to these applicants, but he not only refused to make the statement in the record himself, but denied the affiant the right to do so as attorney for the applicants. The roll referred to in said affidavit is a book designated as "Choctaw Census Roll, No. O", and endorsed on the outside cover thereof "Choctaws residing in Chickasaw Nation; Memorandum Roll; Roll O". Said book has never been considered by the Commission to the Five Civilized Tribes, or its successor, as an authentic roll of the citizens of the Choctaw Nation.

In the case of Nancy J. Murphy, et al, decided adverse to the applicants by the Commission to the Five Civilized Tribes on January 26, 1903, it was stated as follows:

"It further appears that the name of the applicant (written 'Nancy Murphy') is found on page 244 on the original memorandum record kept by the Enumerator for Atoka County, Choctaw Nation, in making the 1896 Choctaw Census Roll under the heading 'Doubtful, claims citizenship', but her name does not appear upon any of the recognized Choctaw tribal rolls in the possession of the Commission as a citizen of said Nation".

The Department in its letter of May 18, 1903 (I.T.D. 4342-1903) approved the decision of the Commission of January 26, 1903. The memorandum referred to in said case is the book mentioned in the affidavit of Mr. Franklin. Said book, together with a report concerning same, was forwarded to the Department with a letter of the Acting Commissioner to the Five Civilized Tribes dated September 1, 1906, returning certain petitions forwarded by the Department in its letter of May 7, 1906 (I.T.D. 5244- 1906) relative to the application for the enrollment of Nancy J. Murphy, et al, as citizens of the Choctaw Nation.

The name of John D. Thompson does not appear upon the 1896 Choctaw Census Roll in the possession of the Commissioner to the Five Civilized Tribes. Besides the names of John M. Thompson and John T. Thompson mentioned above, the name of John Thompson appears upon the 1896 Choctaw Census Roll opposite No. 12504, Jackfork County, age 11 years. The age of the applicant John D. Thompson is given as 38 years. It is, therefore, clear that the applicant is not identical with the John Thompson whose name appears on the Choctaw Census Roll opposite No. 12504, Jackfork County.

The name of John Thompson, age 27 years, Atoka County, also appears upon the 1896 Choctaw Census roll. It appears that in the preparation of said roll the names of the members of each family were grouped together.

Attached to the record herein is a copy of pages 324 and 325 of said roll upon which appears the name of John Thompson opposite No. 12455.

It will be noticed that the age of the applicant, John D. Thompson corresponds with the age of John Thompson, whose name appears on said roll opposite No. 12455. It will also be noticed that immediately following the name of John Thompson on the 1896 Choctaw Census Roll and opposite No. 12456 appears the name of Gertrude Thompson.

On February 15, 1906, this office addressed a letter to Gertrude Thompson at Hewitt, Indian Territory, requesting to be advised of the whereabouts of said John Thompson. On February 17, 1906, said Gertrude Thompson addressed a letter to the Commissioner in which she stated that she knew nothing of such a person, unless it was John Henry Thompson, her husband, with whom she does not now reside; that said John Henry Thompson is a Chickasaw by blood instead of a Choctaw, and that she does not think that her name and said John Thompson's name have been placed together on any of the rolls since 1896.

On June 2, 1906, there was filed with the Commissioner by Apple & Franklin, the affidavit of Henry Thompson, in which he states that he is 31 years of age, and was the husband of Gertrude Thompson, a Choctaw citizen by blood. That he is a citizen by blood of the Chickasaw Nation; that his full name is John Henry Thompson, and that he has generally been known as Henry Thompson; that he never made an attempt to get on the 1896 Choctaw Census Roll because he is a Chickasaw by blood and was enrolled on the 1896 Chickasaw Census Roll, but he does not think his name appears on the 1896 Choctaw Census Roll for Atoka County; that if the name, John Thompson, appears on the Choctaw Census Roll, number 12455, he does not think it was meant for him, because he made no attempt to have his name placed on said roll, and does not know of any one else giving his name to the enumerators.

The name of Henry Thompson appears upon the 1896 Chickasaw Census Roll, and upon the final roll of citizens by blood of the Chickasaw Nation approved by the Secretary of the Interior opposite No. 3594.

Granting the truth of the statement contained in the affidavit of Henry Thompson that his name was placed on the 1896 Chickasaw Census Roll and that he made no effort to have his name placed on the 1896 Choctaw Roll, it is not probable that this fact would have prevented the Census committee from placing his name upon said 1896 Choctaw Census Roll. It is evident from the letter of Gertrude Thompson, above referred to, that it was her understanding that the names of herself and her husband were placed upon the 1896 Choctaw Census Roll together, and the fact that the name of John Thompson was placed on said roll, together with said Gertrude Thompson, seems to clearly indicate that John Thompson is identical with John Henry Thompson, and therefore, not identical with John D. Thompson. It also appears from the testimony of John Thompson on May 28, 1906, that he was not living in the Choctaw Nation in the year 1896 but was living in the Comanche country. It will be observed that the age of John Thompson appears on the 1896 Choctaw Census Roll as 27 years, while the age of Henry Thompson is given in his evidence of May 30, 1906, as 31 years. This discrepancy, however, is easily accounted for by the fact that said Henry Thompson states that he made no effort to have his name placed on said roll. The information concerning his age was, therefore, evidently obtained by the Census Committee from some third

person, and it is probable that his age might have been incorrectly given to said Committee.

It appears from the record herein that the applicant, Narcissa S. Thompson, died in August, 1901.

Following the ruling of the Department of April 4, 1906, (I.T.D. 4228-1906), in the case of Mary B. O'Quinn, et al., I am of the opinion that the applicants herein, who are of Choctaw blood, who were residents in good faith of Indian Territory on June 28, 1898, and whose names appear upon the 1896 Choctaw Census Roll, and their descendants born since said roll was made, and those persons who were married to any of said applicants in accordance with the laws of the Choctaw Nation, should be enrolled as citizens of the Choctaw Nation.

I am further of the opinion that the applications for the enrollment of the applicants herein, whose names do not appear upon the 1896 Choctaw Census Roll, and who are not descendants of persons whose names do appear upon said roll, born since the date thereof, and those intermarried applicants who were not married to their Indian spouses in accordance with the laws of the Choctaw Nation, should be denied.

I am, therefore, of the opinion that the applicants, John T. O'Quinn, Ollie Odolphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Woody Thompson, John Henry Darken, Charles B. Darken, Jr., Benjamin Oliver Welch, Walter Welch, Maultsy J. Lawley, Willie May Lawley, Mattie Harton, John Harton, Rachel Harton, James Harton, Mary M. Harton, Nancy Ella Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Nannie Vaughan, Mattie Vaughan, Callie Vaughan Stella Vaughan, Roy Vaughan, William T. McCoy, Buford T. McCoy, Maud Reville, Cordia Woolley and William McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicants, Fannie May O'Quinn, Katie Thompson and Mary O. McCoy, should be enrolled as citizens by intermarriage of the Choctaw Nation under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicants, Agnes O'Quinn, Altha B. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembrook Reville, John D. Woolley, James B. Woolley, Anina McCoy and Fay McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that the record herein establishes that application was made for the enrollment of John D. Thompson as a citizen by blood of the Choctaw Nation, and for the enrollment of Emma Geneva Thompson as a citizen by intermarriage of said nation, within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and that the same should now be determined upon its merits, and it is so ordered.

I am further of the opinion that the applications for the enrollment of John D. Thompson, Sarah Jane Darken, Myrtle E.

Darken and Gertrude M. Darken as citizens by blood of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applications for the enrollment of Franklin M. Barton, Charles E. Darken, Anna Geneva Thompson and William E. Percival as citizens by intermarriage of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition filed by John D. Thompson, September 26, 1905, in so far as it applies to John William Thompson and Hazel Maude Thompson should be considered as an application for the enrollment of said persons as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), that said application should be denied, and it is so ordered.

I am further of the opinion that the application for the enrollment of Ruby O'Quinn, who the record shows died March 15, 1899, and for the enrollment of Narcissa E. Thompson and Narcissa Ella Percival, who the record shows died prior to September 25, 1902, should be dismissed, and it is so ordered.

SIGNED Tams Bixby

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

JAN 10 1907

7-R-778 et al.

Muskogee, Indian Territory, January 10, 1907.

S. A. Apple,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 10, 1907, granting the application for the enrollment of John T. O'Quinn, Ollie Odolphus O'Quinn, Winnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles W. Darken, Jr., Benjamin Oliver Welch, Walter Welch, Manlitay J. Lawley, Willie May Lawley, Mattie Harten, John Harten, Rachel Harten, James Harten, Mary M. Harten, Nancy Ella Harten, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Minnie Vaughan, Hattie Vaughan, Callie Vaughan, Stella Vaughan, Roy Vaughan, William R. McCoy, Buford T. McCoy, Maud Reville, Cordie Woolley, William McCoy, Agnes O'Quinn, Altha E. O'Quinn, Mark O'Quinn, Bertha May Harten, George Pope Harten, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembreck, Reville, John R. Woolley, James R. Woolley, Anna McCoy and Fay McCoy as citizens by blood of the Choctaw Nation, the application

S.A.A.- - 22.

for the enrollment of Fannie May O'Quinn, Katie Thompson and Mary G. McCoy, as citizens by intermarriage of the Choctaw Nation, denying the application for the enrollment of John R. Thompson, Sarah Jane Durham, Myrtle E. Durham, Gertrude M. Durham, John R. Thompson, John William Thompson and Vassi Vessie Thompson, as citizens by blood, the application for the enrollment of Franklin M. Morton, Charles R. Durham, Emma Geneva Thompson and William M. Percival as citizens by intermarriage, and dismissing the application for the enrollment of Ruby O'Quinn, Vardiman S. Thompson and Vardiman Ella Percival, as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.
Enel. 7-B-728, et al.

7-B-728, et al.

COPY.

Muskogee, Indian Territory, January 10, 1907.

Chester Town,

Washington Loan & Trust Building,

Washington, D. C.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 10, 1907, granting the application for the enrollment of John T. O'Quinn, Ollie Adolphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Wesley Thompson, John Henry Barton, Charles W. Barton, Jr., Benjamin Oliver Welch, Walter Welch, Hartley J. Lawley, Willie May Lawley, Nettie Barton, John Barton, Rachel Barton, James Barton, Mary M. Barton, Nancy Ella Barton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Bennie Vaughan, Nettie Vaughan, Callie Vaughan, Nellie Vaughan, Ray Vaughan, William V. McCoy, Buford T. McCoy, Neal Reville, Cordie Woolley, William McCoy, Agnes O'Quinn, Alpha S. O'Quinn, Mark O'Quinn, Bertha May Barton, George Pope Barton, Viola Wanda Hunt, Thomas Foster, Clara May Reville, Thomas Pembrook, Reville, John H. Woolley, James R. Woolley, Adam McCoy and Ray McCoy, as citizens by blood of the Choctaw Nation, the application

C. C. - 58.

for the enrollment of Vanita Ray Gilpin, Edith Thompson and Mary L. Kelly as citizens by intermarriage, denying the application for the enrollment of John R. Thompson, Sarah Jane Burton, Myrtle E. Burton, Gertrude Burton, John R. Thompson, John Wilkin Thompson and Hazel Vanita Thompson, as citizens by blood, the application for the enrollment of Franklin E. Burton, Charles E. Burton, Rose Owens Thompson and William E. Purcell as citizens by intermarriage, and dismissing the application for the enrollment of Ray Gilpin, Harrison L. Thompson and Verdean Ella Purcell, as citizens, of the Choctaw Nation.

The decision, with the record of proceedings in the case, in this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Commissioner.

Enclosed.

Encl. Roberts et al.

4

Muskogee, Indian Territory, January 10, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on January 10, 1907, the Commissioner to the Five Civilized Tribes rendered a decision granting the applications for the enrollment as citizens by blood of the Choctaw Nation, of John T. O'Quinn, Ollie Odolphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles B. Darken, Jr., Benjamin Oliver Welch, Walter Welch, Maultsy J. Lawley, Willie May Lawley, Mattie Harton, John Harton, Rachel Harton, James Harton, Mary M. Harton, Nancy Ella Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Nannie Vaughan, Hattie Vaughan, Callie Vaughan, Stella Vaughan, Roy Vaughan, William H. McCoy, Buford T. McCoy, Maud Reville, Cordie Woolley, William McCoy, Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembrook Reville, John D. Woolley, James B. Woolley, Anima McCoy and Fay McCoy, and the application for the enrollment of Fannie May O'Quinn, Katie Thompson and Mary G. McCoy as citizens by intermarriage, denying the applications of John

M. M. C. #2.

D. Thompson, Sarah Jane Darken, Myrtle E. Darken, Gertrude M. Darken, John D. Thompson, John William Thompson and Hazal Maude Thompson for enrollment as citizens by blood, the application for the enrollment of Franklin M. Harten, Charles, B. Darken, Emma Geneva Thompson and William E. Percival as citizens by intermarriage, and dismissing the application for the enrollment of Ruby O'Quinn, Narcissa S. Thompson and Narcissa Nila Percival, as citizens of the Choctaw Nation.

There is enclosed herewith a copy of the decision of January 10, 1907, and in view of the limited time in which the work of the enrollment must be completed, I have to request that if you desire to file a protest to this decision that you forward the same to this office within five days from this date. If at the expiration of that time no protest is filed, the names of these persons will be placed upon schedules of citizens by blood and intermarriage of the Choctaw Nation to be forwarded to the Secretary of the Interior, together with the record in this case and the decision of January 10, 1907.

Respectfully,

Commissioner.

"W R L

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS, D.C.
WASHINGTON. June 7 1909

Land
31748-1908
J E B

Enrollment case of
Franklin M. Harten
et al.

The Commissioner
to the Five Civilized Tribes,
Muskogee, Oklahoma.

Sir:

Referring to your report of April 22, 1909, relative to the consolidated Choctaw enrollment case of Franklin M. Harten et al. you are advised that on June 2, 1909, the Department held that the case mentioned is not analogous to that of John R. Goldsby (211 U. S. 249), and therefore declined to take any action looking to the enrollment of any of the applicants therein as citizens of the Choctaw Nation. A copy of approved Office letter of June 1, 1909 is inclosed for your further information.

You are requested to notify the proper persons of this action of the Department.

Very respectfully,

C. F. Hauke

Chief Clerk.

WCMcC-4
1870

Land
31748-1909
J R D

Jun 1 1909

Enrollment case of Franklin
M. Harton et al.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of March 1, 1909 (File S-61) there is transmitted herewith a report of April 22, 1909, from the Commissioner to the Five Civilized Tribes relative to the consolidated Choctaw enrollment case of Franklin M. Harton, et al. The record and other papers are also inclosed. From the Commissioner's report it does not appear that the names of any of the applicants in the consolidated case above named were ever placed on any roll of Choctaw citizens prepared by the Commission or the Commissioner to the Five Civilized Tribes and approved by the Department, or that the Department ever rendered any decision favorable to their enrollment.

The Office is of the opinion that the case of Franklin M. Harton et al is not analogous to that of John R. Goldsby (211 U. S. 249) and therefore recommends that the Department take no action looking to their enrollment.

Very respectfully,

R. G. Valentine

Acting Commissioner.

MCMcC-27
1361

June 2, 1909.

APPROVED:

Frank Pierce

First Assistant Secretary.

Choctaw 4061

Muskogee, Oklahoma, June 16, 1909.

Mr. John Thompson,

Rush Springs, Oklahoma,

Sir:

You are hereby advised that on June 2, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Franklin M. Harton et al., with which your case was consolidated, is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

AB

Commissioner.

23-956

Muskogee, Indian Territory, October 15, 1906.

John T. Thompson,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 29, 1906, transmitting plat of land which you desire as allotments for your children and ask that a decision be rendered in your case.

The plat inclosed with your letter is returned herewith and you are advised that this office cannot make reservation of lands for children for whom application was made for enrollment under the act of Congress approved April 26, 1906.

Respectfully,

Commissioner.

MB 3-15.

23-956

Muskogee, Indian Territory, October 16, 1906.

John T. Thompson,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 29, 1906, transmitting plat of land which you desire as allotments for your children and asking that a decision be rendered in your case.

The plat inclosed with your letter is returned herewith and you are advised that this office cannot make reservation of lands for children for whom application was made for enrollment under the Act of Congress approved April 26, 1906.

Respectfully,

EB 3-15

Commissioner.

23
~~R.R.~~ 956

Muskogee, Indian Territory, January 10, 1907.

John Thompson,

Rush Springs, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on January 10, 1907, rendered his decision denying the application for the enrollment of yourself and children John William Thompson and Hazel Maud Thompson as citizens by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Registered.

956.

Muskogee, Oklahoma, March 17, 1908.

John Thompson,

Rush Springs, Oklahoma.

Sir:

There is inclosed you herewith marriage certificate which was filed in the matter of the application for the enrollment of your children, John William Thompson and Hazel Maud Thompson, as minor citizens of the Choctaw Nation, under the Act of Congress approved April 26, 1906, a certified copy having been made for the files of this office.

Respectfully,

Acting Commissioner.

KB 1-17.

Choc. Minor 957

Roy Scott

M957

For record see 7-6068

See Pet. # C-52.

Feb. 14, 1907 Granted.

2-14-07 Report forwarded Dept.

3-1-07 Decision revised by Dept. and schedule containing names of applicants disapproved.

3-1-09 Dept. requests report.

4-29-09 Report to Dept.

6-1-09 Dept. held this case does not fall within principles of Goldsby case and declines to take action looking to enrollment of applicants.

6-10-09 Parties notified.

O. L. J.

C- 52
C-125
C- 96
W-182
W-183
W-184
W-181
7-3060
7-3204
7-3206
7-D-430
7-3060
7-3202
7-3064
23-996
23-997
23-935
23-891.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John W. Gamblin, et al., as citizens of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein and from the records in the possession of this office that on September 22, 1898, application was made to the Commission to the Five Civilized Tribes for the enrollment of John W. Gamblin (fifty-two years of age) as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his two children, James W. (twenty-nine years of age), and Nettie L. Gamblin (eighteen years of age), as citizens by blood of said nation; January 4, 1902, application was made for the enrollment of Benny Gamblin (born August 9, 1901) as a citizen by blood of the Choctaw Nation; October 17, 1898, application was made for the enrollment of Eliza Ann Gamblin (forty-eight years of age) as a citizen by blood of the Choctaw Nation; October 17, 1898, application was made for the enrollment of Joseph W. Gamblin (twenty-four years of age), and his minor child, Indianola Gamblin (two years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of Emma Gamblin (thirty-eight years of age) as a citizen by intermarriage of said nation; September 5, 1899, application was made for the enrollment of Lillie Gamblin (seventeen years of age) as a citizen by intermarriage of the Choctaw Nation; September 22, 1898, application was made for the enrollment of Amanda L. Reed (twenty-one years of age), and her minor child, Archie Reed (born April 17, 1898), as citizens by blood of the Choctaw Nation, and on July 28, 1902, application was made for the enrollment of Glenn Reed (born September 10, 1901) as a citizen by blood of said nation; October 17, 1898, application was made for the enrollment of Mary M. Jones (fifty-eight years of age) as a citizen by blood of the Choctaw Nation; September 22, 1898, application was made for the enrollment of Levie F. Scott (twenty-four years of age), and her four minor children, Nettie M. (seven years of age), Winnie M. (four years of age), Archie W. (two years of age) and Glennis Scott (one year of age), as citizens by blood of the Choctaw Nation; April 13, 1900, application was made for the enrollment of Joseph A. Scott (born December 3, 1899) as a citizen by blood of the Choctaw Nation, and on October 30, 1902, application was made for the enrollment of James I. Scott (born September 8, 1902), as a citizen by blood of said nation.

Applications were made to the Commissioner to the Five Civilized Tribes for the enrollment of the following applicants, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137): On July 12, 1906, for the enrollment of Fred Gamblin (born November 19, 1903); on May 15, 1906, for the enrollment of Roy Scott (born June 8, 1905); on July 23, 1906, for the enrollment of William Doral Skelton (born January 27, 1903); on July 6, 1906, for the enrollment of Ley Skelton (born October 13, 1904; on July 12, 1906, for the enrollment of Annie Kehla Reed (born October 31, 1903); and on July 12, 1906, for the enrollment of Joseph Rexford Reed (born May 29, 1905).

It further appears from the records of this office that the applicants, John W. Gamblin, James W. Gamblin, Hattie L. Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Emma Gamblin, Indianola Gamblin, Amanda L. Reed, Mary W. Jones, Lovie F. Scott, Hattie M. Scott, Winnie R. Scott, Archie W. Scott and Glennis Scott, were admitted to citizenship in the Choctaw Nation by the United States Court for the Southern District of Indian Territory, in case No. 148. The applicants, Eliza Ann Gamblin and Glennis Scott, were subsequently stricken from the original judgment of said court.

December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created under the provisions of theAct of Congress approved July 1, 1902 (32 Stats., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court admitting certain of the above applicants to citizenship in the Choctaw Nation.

Said cause was subsequently certified to the said Choctaw and Chickasaw Citizenship Court for a trial de novo, and on November 28, 1904, in the case entitled "Walter W. Jones, et al., vs. Choctaw and Chickasaw Nations" (Choctaw-Chickasaw Citizenship Court Case No. 107, Tishomingo Docket), rendered its decision therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, ... Mary Malinda Jones . . . . . Lovie Francis Scott, or Lovie Francis Scott, Hattie Myrtle Scott, Winnie Roberta Scott, Anlie McCoy Scott or Archie McCoy Scott, James Walter Gamblin, Joseph Wilbern Gamblin, Indianola Gamblin, Amanda Lutema Gamblin, Hattie Lavinia Gamblin and John W. Gamblin, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, ... Emma Gamblin, Eliza Ann Gamblin, or Eliza Ann Jones, ... Glennis Scott, ... the court having no jurisdiction, their petitions is dismissed."

It does not appear from the records in the possession of this office that any of the applicants who were before the United States Court for the Southern District of Indian Territory in case No. 148, were ever applicants before the Commission to the Five Civilized Tribes in 1896, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321).

January 23, 1905, the Commission to the Five Civilized Tribes entered of record orders dismissing the applications for the enrollment of Benny Gamblin, Archie Reed, Glenn Reed, Joseph A. Scott and James I. Scott as citizens by blood of the Choctaw Nation, for the reason that their parents, through whom they claimed their right to enrollment as citizens of the Choctaw Nation, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

February 1, 1906, said Commission also entered of record an order dismissing the application for the enrollment of Lillie Gamblin, for the reason that James W. Gamblin, through whom she claimed said right, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

February 4, 1906, the Commission to the Five Civilized Tribes denied the application for the enrollment of Glennis Scott as a citizen by blood of the Choctaw Nation, and on March 13, 1906 (I. T. D. 1988-1905), the same was affirmed by the Department.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on March 6, 1906, March 9, 1906, February 20, 1906, and February 6, 1906, petitions praying for the enrollment of Joseph W. (or Joseph) Gamblin, Emma Gamblin, Indianola Gamblin, Orange Dorrance, Icey Dorrance, Eliza Ann Gamblin, John M. (or J. M.) Gamblin, Walter Gamblin, Amanda (or Amanda Lutoma) Reed (nee Gamblin), Nettie Skelton (nee Gamblin), George Scott, Lovie Scott, Myrtle (or Nettie Myrtle) Scott, Minnie Roberta (or Bertie) Scott, Archy McCoy (or Archie) Scott, Mary Malinda Jones, Glennis Scott, Joseph M. Scott, James I. Scott, Lillie Gamblin, Benny Gamblin, Fred Gamblin, William D. Skelton, Icie Skelton, Arch Reed, Archie Reed, Glenn Reed and Anna Keller Reed as citizens of the Choctaw Nation.

All of the above named petitioners, with the exception of Orange Dorrance, Icey Dorrance, George Scott and Arch Reed, are identical with the persons for whom application for enrollment as citizens of the Choctaw Nation has either been made under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), or April 26, 1906 (34 Stats.,137).

It does not appear from the record herein or from the records in the possession of this office that any application has ever been made for the enrollment of Orange Dorrance and Icey Dorrance (both of whom were adults on March 4, 1906), children of the applicant, Emma Dorrance, prior to December 1, 1905, nor was any application made for their admission as citizens of the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). Neither has any application ever been made for the enrollment of Arch Reed or George Scott as a citizen by intermarriage of the Choctaw Nation prior to December 1, 1905. This, however, is immaterial, inasmuch as the record herein shows that neither of them has ever been married to the applicants, Amanda L. Reed and Lovie F. Scott, respectively, under a license issued by the tribal authorities of the Choctaw Nation.

It appears from the record herein that the applicants, James W. Gamblin, Nettie L. Gamblin, Joseph W. Gamblin and Amanda L. Reed, are the children of the applicants, John M. Gamblin and Eliza Ann Gamblin; the applicants, Benny Gamblin and Fred Gamblin, are the children of the applicants, James W. Gamblin and Lillie Gamblin; the applicant, Indianola Gamblin, is the daughter of the applicants, Joseph W. Gamblin and Emma Gamblin; the applicants, Archie Reed, Glenn Reed, Annie Kohla Reed and Joseph Rexford Reed, are the children of the applicant, Amanda L. Reed, and Arch Reed, for whom no application has been made; the applicant, Lovie F. Scott, is a daughter of the applicant, Mary M. Jones, and Jim Jones, a non-citizen; the applicants, Nettie M. Scott, Minnie R. Scott, Archie W. Scott, Glennis Scott, Joseph A. Scott, James I. Scott and Ray Scott, are the children of the applicant, Lovie F. Scott, and George W. Scott; and the applicants, William Burel Skelton and Icy Skelton, are the children of the applicant, Nettie L. Gamblin (now Nettie Lovenia Skelton), and James W. Skelton, a non-citizen.

It further appears from the record herein that John W. Gamblin claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage to the applicant, Eliza Ann Jones, on January 10, 1867, both of said applicants being on the date of said marriage residents of the State of Georgia; that Emma Gamblin claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage on April 7, 1895, to the applicant, Joseph W. Gamblin, said applicants being on the date of said marriage residents of the Chickasaw Nation; and that Lillie Gamblin claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage on July 23, 1899, to the applicant, James Walter Gamblin, both of said applicants being on the date of said marriage residents in good faith of the Chickasaw Nation.

Upon examination of the tribal rolls of the Choctaw Nation in the possession of this office, it appears that the applicants, James W. Gamblin, Hattie L. Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Lovie F. Scott, Hattie M. Scott, and Minnie R. Scott, are identified upon the 1896 Choctaw Census Roll, opposite Nos. 4919, 4921, 4915, 4916, 4918, 4920, 11693, 11694, and 11695, respectively, said applicants being enrolled thereon as citizens by blood of the Choctaw Nation. The applicants, John W. Gamblin and Emma Gamblin, are identified upon said roll opposite Nos. 4914 and 4917 respectively. The records in the possession of this office show that said applicants were enrolled upon the 1896 Choctaw Census Roll by the Choctaw Revisory Board in the month of January, 1897.

The applicant, Mary M. Jones, is not identified upon any of the tribal rolls of the Choctaw Nation in the possession of this office, nor has she ever been admitted to Choctaw citizenship by any duly constituted authority.

All of the applicants herein who were living on June 28, 1898, were residents in good faith of the Indian Territory, and the minor applicants for whom application was made for enrollment as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), were living on March 4, 1906.

I am of the opinion that in accordance with the opinions of the Assistant Attorney General for the Department of the Interior of February 10, 1905 (I. T. D. 10383-1904), and December 8, 1905 (I. T. D. 3693-1905), the action of the Choctaw and Chickasaw Citizenship Court denying the applicants herein who were before said court, with the exception of John W. Gamblin, was without authority of law, and of no force and effect upon their status as citizens of the Choctaw Nation.

I am further of the opinion that the orders of the Commission to the Five Civilized Tribes of January 23, 1905, and February 1, 1905, dismissing the applications for the enrollment of Joseph A. Scott, James I. Scott, Archie Reed, Glenn Reed, Benny Gamblin and Lillie Gamblin as citizens of the Choctaw Nation should be rescinded, and it is so ordered.

I am further of the opinion that following the ruling of the Department of March 16, 1906 (I. T. D. 4223-1906), in the case of William C. Thompson, James W. Gamblin, Hattie L. Gamblin, Benny Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Archie Reed, Glenn Reed, Lovie F. Scott, Hattie M. Scott, Minnie R. Scott, Archie M. Scott, Joseph A. Scott and James I. Scott should be enrolled as citizens by blood of the Choctaw

Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that Glennie Scott should be enrolled as a citizen by blood of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that inasmuch as Eliza Ann Gamblin was not a recognized citizen of the Choctaw Nation at the time of her marriage to John H. Gamblin, and the latter was never remarried to the former after her tribal recognition under a tribal license, and inasmuch as the applicant, Mary M. Jones, has never been recognized or enrolled as a citizen of the Choctaw Nation, they did not possess such a tribal status in 1896 as would entitle them to enrollment, and therefore, the action of the Choctaw and Chickasaw Citizenship Court denying their applications for citizenship in the Choctaw Nation is final, and I am without authority to take any action looking to their enrollment as citizens of the Choctaw Nation, and that the petition herein in so far as same applies to said applicants should be dismissed, and it is so ordered.

I am further of the opinion that Emma Gamblin and Lillie Gamblin should be enrolled as citizens by intermarriage of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that Fred Gamblin, Roy Scott, William Deral Skelton, Ley Skelton, Annie Kehla Reed, and Joseph Rexford Reed should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that inasmuch as no application has ever been made for the enrollment of Orange Derrance, Lucy Derrance, George Scott and Arah Reed as citizens of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), I am without authority to take any action looking to their enrollment as citizens of the Choctaw Nation, that their petitions should be dismissed, and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

_____.

D.O.M.
G.W.W.
File 5-51.
D
6476.

J.W.H.
J.W.H.
W.C.P.
J.W.L.

DEPARTMENT OF THE INTERIOR,
Washington.

March 1, 1909.

Seal, 17077
Office of Indian Affairs.
March 3, 1909.

The Commissioner

to the Five Civilized Tribes.

Sir:

January 25, 1909, you were advised that the names of certain persons were inadvertently included in Departmental letter of January 19, 1909 (File 5-51); that such mistake was due to the fact that it was supposed they were enrolled upon schedules approved by the Department, when in fact, the only schedules upon which their names appear were disapproved, and that no action should be taken under the circumstances looking to the erasure of interlineations or notations, if any, from the disapproved schedules, in connection with their names.

The names of the persons referred to in said letter of January 25, 1909, are as follows:

Choctaws by Blood.

Roll No.	
16103	Elizabeth Allen.
16112	George A. Bumgarner.
16110	Loutitia Crutchfield.
16106	Everett Crutchfield.
16111	George W. Crutchfield.
16108	Ida Crutchfield.

16107 Ida Crutchfield.
16108 Louvinia Crutchfield.
16109 William Crutchfield.
921 Josephine Laflere Long.
922 Mabe Laflere Long.
16104 David Ritter.

It now appears from the records of the Secretary's Office that there was a schedule approved May 21, 1904, by the Secretary of the Interior, and that the approval then given was cancelled by said Secretary at a ~~xxxxx~~ later date, to-wit, June 28, 1904.

The name of Elizabeth Allen appears upon the schedule which was approved May 21, 1904, opposite the number 15551. Ida Crutchfield's name appears opposite No. 15553, while the other members of the Crutchfield family were given the numbers immediately following that assigned to her.

You are requested to cause a report to be prepared showing whether the records of your office also show that an earlier schedule containing the names of said persons was approved May 21, 1904; also whether such approval was cancelled June 28, 1904. Please report also the reason for the attempted cancellation, and whether prior notice was given thereof.

It appears further that, in connection with the names of Elizabeth Allen and the Crutchfield family on the roll approved May 21, 1904, the names of Ardelia Hickman, Ida M. Southard and Grover Randall are also to be found.

In connection with said names, it is desired that you will report what action, in your opinion, should be taken concerning the first of said persons; also whether the said

Ida M. Southard and Grover Randall, respectively, are identical with the Ida M. Southard whose name appears opposite No. 15880 in the printed rolls of citizens by blood of the Choctaw Nation, and the Grover Randall whose name appears on page 8 of Departmental letter of January 19, 1909 (File 5-51), opposite No. 15928.

As appears from the above list, there were other persons besides the said Allen and Crutchfield whose names were enrolled on schedules which were finally disapproved by the Department; for example, George A. Rumgarner, Josephine Laflore Long and Jake Laflore Long.

Please report whether the names of these persons appear upon any prior approved schedule; also why it was that the Commissioner to the Five Civilized Tribes enrolled them upon the schedule which was disapproved by the Department, showing whether the Commissioner enrolled them thereon, of his own motion, or under decision or instructions from the Department.

By comparison of the roll approved May 31, 1904, with the printed rolls of Choctaws by blood, the Department finds that the numbers appearing thereon opposite the names of said persons were subsequently assigned to other citizens of the Choctaw Nation; thereby the series of roll numbers was kept perfect, but a material portion of the rolls was evidently sacrificed upon the supposition that it had become worthless. Inquiry arises in this connection as to whether there were other approved schedules which were subsequently disapproved and thrown aside.

Accordingly, it is desired, that you also cause a report to be prepared covering this feature of the matter, showing all persons embraced in similar cases, with recommendation as to what action should be taken as to them. This will necessitate a statement as to why their names were stricken or cancelled from the rolls, and whether such action was taken without prior notice.

There is still another matter concerning which the Department desires report to be made. It is observed that the words "No person enrolled at this number" are to be found not infrequently opposite consecutive numbers on the pages of the printed rolls; and you are requested to advise the Department whether such words were substituted for the names of individuals appearing on disapproved schedules, and if such is the case, whether such disapproved schedules were approved at any time by the Department; also whether favorable decisions were ever rendered by the Department as to such persons prior to their enrollment upon such disapproved schedules.

For the sake of expedition, a partial report should be rendered at once concerning the said Elizabeth Allen and the various members of the Crutchfield family named above. The other matters referred to herein can be disposed of by subsequent reports.

Very respectfully,

Jesse E. Wilson,

Assistant Secretary.

Through the

Indian Office.

Land
[redacted]-06
17077-09 R S K
J B R R B K

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

WASHINGTON, D.C. Mch. 6-09.
Respectfully referred to the Commissioner to the Five Civilized Tribes, for appropriate action.

John Francis, Jr.
Acting Chief Land Division.

1 Letter dated
Mch. 1, 1909.

the notation "No person enrolled at this number".

D 794-1909.

Muskogee, Oklahoma, April 29, 1909.

Subject:

Partial report on Department's letter of March 16, 1909, relative to certain persons whose names appear on disapproved schedules.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to acknowledge receipt of Departmental letter of March 16, 1909 (File 5-51) in which, among other things, the Department requests reports concerning the persons whose names appear on schedules which were disapproved by the Department, and at whose numbers in the printed roll appears the notation "No person enrolled at this number".

Partial reports have heretofore been made as to certain of these persons and I now have the honor to state that the consolidated Chester enrollment case of John K. Gamblin, et al, falls within the class above described, and to report thereon as follows:

It appears from the records of this office that applica-

tions were made to the Commission to the Five Civilized Tribes under the Acts of Congress approved June 28, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat.,641), for the enrollment as citizens by blood and intermarriage of the Choctaw Nation of the following persons:

John H. Gamblin for enrollment as a citizen by intermarriage, and for the enrollment of his children, James W. Gamblin and Nattie L. Gamblin, and his grandchild, Benny Gamblin, as citizens by blood of the Choctaw Nation; also for the enrollment of Lillie Gamblin, wife of James W. Gamblin, as a citizen by intermarriage of said nation.

Eliza Ann Gamblin for enrollment as a citizen by blood of the Choctaw Nation.

Joseph W. Gamblin for enrollment of himself and his child, Indianola Gamblin, as citizens by blood and for the enrollment of his wife, Emma Gamblin, as a citizen by intermarriage of the Choctaw Nation.

Amanda L. Reed for the enrollment of herself and her children, Archie Reed and Glenn Reed, as citizens by blood of the Choctaw Nation.

Mary M. Jones for enrollment as a citizen by blood of the Choctaw Nation.

Secretary 3

Levie F. Scott for the enrollment of herself and her children, Hattie M. Scott, Minnie B. Scott, Archie M. Scott, Glennis Scott, Joseph A. Scott and James I. Scott, as citizens by blood of the Cherokee Nation.

Applications were made to the Commissioner to the Five Civilized Tribes, under the provisions of the Act of Congress approved April 26, 1906 (34 Stat., 137), for the enrollment of the following minor children as citizens by blood of the Cherokee Nation: Fred Gamblin, Ray Scott, William Doral Skelton, Ray Skelton, Annie Zehla Reed and Joseph Rexford Reed.

It further appears from the records of this office that the applicants, John H. Gamblin, James W. Gamblin, Hattie L. Gamblin, Elma Ann Gamblin, Joseph W. Gamblin, Emma Gamblin, Indianola Gamblin, Amanda L. Reed, Mary M. Jones, Levie F. Scott, Hattie M. Scott, Minnie B. Scott, Archie M. Scott and Glennis Scott were admitted to citizenship in the Cherokee Nation by the United States Court for the Southern District of Indian Territory, in Cause Number 148 on the Citizenship Docket of said court.

The applicants, Elma Ann Gamblin and Glennis Scott were subsequently stricken from the original judgment of the court.

December 17, 1902, the Cherokee and Chickasaw Citizenship

Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stat.,641) "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court admitting certain of the above named applicants to citizenship in the Chootaw Nation.

This cause was subsequently certified to the Chootaw and Chickasaw Citizenship Court for a trial de novo, and on November 28, 1904, in the case entitled Walter W. Jones, et al. versus the Chootaw and Chickasaw Nations, Case Number 107 on the Tishomingo Docket, this Court rendered its decree wherein it ordered, adjudged and decreed that the petition of the plaintiffs, Mary Malinda Jones, Levie Francis Scott, or Levie Francis Scott, Mattie Myrtle Scott, Minnie Roberta Scott, Amlie McCoy Scott or Archie McCoy Scott, James Walter Gamblin, Joseph Wilborn Gamblin, Indianola Gamblin, Amanda Patsen Gamblin, Mattie Levinia Gamblin and John M. Gamblin be denied and that they be declared not citizens of the Chootaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom, and as to the petitioners, Emma Gamblin, Eliza Ann Gamblin or Eliza Ann Jones, and Clemmie Scott, the court having no jurisdiction their petition was dismissed.

Secretary S

The records of this office do not show that any of the applicants who were before the United States Court for the Southern District of Indian Territory in Case Number 148 were applicants before the Commission to the Five Civilized Tribes in 1896, under the provisions of the Act of Congress approved June 10, 1896, although there was filed with the record before said court, which is now a part of the record in Citizenship Court Case Number 107 on the Tishomingo Docket, an affidavit of U. G. Winn, an attorney at law, Pauls Valley, Indian Territory, in which he alleges that petitions were by him forwarded to the Commission to the Five Civilized Tribes and the Principal Chief of the Choctaw Nation, as provided by said act, praying for the admission to citizenship of the above named persons.

January 23, 1906, the Commission to the Five Civilized Tribes entered orders dismissing the applications for the enrollment of Benny Gamblin, Archie Reed, Glenn Reed, Joseph A. Scott and James I. Scott, as citizens by blood of the Choctaw Nation for the reason that the persons through whom they claimed their right to enrollment as citizens of the Choctaw Nation had been denied by the Choctaw and Chickasaw Citizenship Court.

Secretary 6

February 1, 1906, the Commission to the Five Civilized Tribes entered an order dismissing the application for the enrollment of Billie Gamblin as a citizen by intermarriage of the Choctaw Nation for the reason that her husband, through whom she claimed intermarried rights, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

February 4, 1905, the Commission to the Five Civilized Tribes denied the application for the enrollment of Glennis Scott as a citizen by blood of the Choctaw Nation and March 13, 1905 (I T D 1958-1906) this action of the Commission was affirmed by the Department.

Under the regulations adopted by the Commissioner to the FiveCivilized Tribes January 2, 1906, there were filed on February 6, 1906, February 20, 1906, March 6, 1906 and March 9, 1906, petitions praying for the enrollment of Joseph W. Gamblin (or Joseph Gamblin), Emma Gamblin, Indianola Gamblin, Orange Derrance, Zoey Derrance, Eliza Ann Gamblin, John H. Gamblin (or J. H. Gamblin), Walter Gamblin, Amandy Reed (or Amanda Lutcum Reed), nee Gamblin, Mattie Skelton, nee Gamblin, George Scott, Levie Scott, Myrtle Scott (or Mattie Myrtle Scott), Minnie Roberta Scott (or Bertie Scott), Archy McCoy Scott (or Archie Scott), Mary Melinda Jones, Glennis Scott, Joseph

Secretary ?

M. Scott, James L. Scott, Lillie Gamblin, Nonney Gamblin, Fred Gamblin, William D. Skelton, Lois Skelton, Arch Reed, Archie Reed, Glenn Reed and Anna Keller Reed as citizens of the Choctaw Nation.

All of the above named petitioners, with the exception of Orange Derrames, Levy Derrames, George Scott and Arch Reed, are identical with the persons for whose enrollment as citizens of the Choctaw Nation application was made under the provisions of the Acts of Congress approved June 28, 1898 or April 26, 1906.

The names of James W. Gamblin, Hattie L. Gamblin, Miss Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Levie F. Scott, Hattie E. Scott and Winnie R. Scott are identified upon the 1896 Choctaw Census Roll as citizens by blood and John H. Gamblin and Emma Gamblin as citizens by intermarriage. The records show, however, that they were enrolled upon said roll by the Choctaw Revisory Board in the month of January, 1897.

February 14, 1907, the Commissioner to the Five Civilized Tribes rendered a decision holding, in accordance with the opinions of the Assistant Attorney General for the Department of the Interior of February 10, 1905 (I T D 10353-1904) and December 8, 1905 (I T D 3693-1905) the action of the Choctaw

and Chickasaw Citizenship Court denying the applicants herein who were before said court, with the exception of John H. Gamblin, was without authority of law and of no force and effect upon their status as citizens of the Choctaw Nation.

The decision of February 14, 1907, rescinded the orders of the Commission to the Five Civilized Tribes of January 23, 1906 and February 1, 1905, dismissing the applications for the enrollment of Joseph A. Scott, James I. Scott, Archie Reed, Glenn Reed, Benny Gamblin and Lillie Gamblin as citizens of the Choctaw Nation, and, following the ruling of the Department of March 15, 1906 (I T D 4222-1906) in the case of William C. Thompson, et al., granted the applications for the enrollment of James W. Gamblin, Mattie L. Gamblin, Benny Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Archie Reed, Glenn Reed, Levie F. Scott, Mattie M. Scott, Minnie R. Scott, Archie E. Scott, Joseph A. Scott, James I. Scott and Glennie Scott as citizens by blood and Emma Gamblin and Lillie Gamblin as citizens by intermarriage of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 and July 1, 1902.

This decision also granted the applications for the enrollment of Fred Gamblin, Roy Scott, William Doral Skelton, Ray Skelton, Annie Mehlah Reed and Joseph Rexford Reed as

minor citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906.

The petitions for the enrollment of John W. Gamblin, Mary M. Jones, Orange Derrames, Ivey Derrames, George Scott and Arch Reed were dismissed by the same decision.

February 14, 1907, the record and proceedings, together with the decision of the Commissioner of February 14, 1907, were forwarded the Department. There were also transmitted at the same time schedules of citizens by blood and marriage of the Choctaw Nation composed of the persons whose applications for enrollment were granted in said decision, as follows:

Choctaws by blood . . . . Numbers 16161 to 16196, inclusive;
Choctaws by marriage . . . Numbers 1661 and 1662.
Minor Choctaws by blood Numbers 923 to 928, inclusive.

This case was analogous to the case of Mattie Shockley, et al. (Loula West case), in which this office had been directed to suspend action until the Attorney General had passed upon the questions involved in that case, but inasmuch as the time within which persons could be enrolled and their enrollment approved by the Secretary of the Interior, under the provisions of the Act of Congress approved April 26, 1906, was becoming very short, the schedules above described were prepared by this office, without waiting for the opinion of the

Attorney General, and were forwarded to the Department, in order that, if the opinion of the Attorney General were favorable, the rights of these applicants might be protected without delay, and this office requested, in the event of such favorable opinion of the Attorney General, that these schedules should be approved by the Secretary of the Interior.

February 26, 1907, referring to Departmental letter of February 23, 1907 (I T D 4554-1907) requesting this office to forward a list of those persons whose enrollment should be cancelled in view of the opinion of the Attorney General of February 19, 1907, in the Choctaw enrollment cases of Loula West and William S.Thompson, et al., the Commissioner to the Five Civilized Tribes called the attention of the Department to the schedules above described, which were forwarded February 16, 1907, and advised that this case was analogous to the case of Loula West and recommended that the decision of the Commissioner to the Five Civilized Tribes of February 14, 1907, be not approved by the Department and that the schedules transmitted with office letter of February 15, 1907, be disapproved by the Secretary of the Interior.

February 28, 1907 (Land 18014-1907) the Indian Office transmitted the record in the case of John E. Gamblin and

the schedules forwarded with office letter of February 15, 1907, and recommended, in view of the opinion of the Attorney General of the United States of February 19, 1907, in the cases of Louis West and Myrtle Randolph, analogous hereto, that the applicants in this case be all denied enrollment and their applications dismissed and that the schedules containing the names of these persons be disapproved.

March 1, 1907 (I T P 5740-1907) the Department concurred in the recommendation of the Indian Office and denied the right to enrollment of all the applicants in the consolidated Choctaw enrollment case of John H. Gamblin, et al. and disapproved the schedules bearing their names.

March 4, 1907 (I T D 6916-1907), referring to office letter of February 26, 1907, relative to the Choctaw enrollment case of John H. Gamblin, et al., the Department advised that the schedules mentioned therein had been disapproved March 1, 1907.

Inasmuch as these persons were not upon an approved roll of citizens by blood and marriage of the Choctaw Nation, no formal allotments were made to them, and it does not appear that applications were made by them for the purpose of instituting contests for lands in the Choctaw-Chickasaw country.

This office has no record of any favorable action ever having been taken by the Department as to the persons whose names appear in the consolidated Choctaw enrollment cases of John W. Gamblin, et al.

September 14, 1907, the Department called the attention of the Indian Office to Departmental letter of August 29, 1907 (D 402), in the last paragraph of which the cases of August (Angus A.) Spring, et al. and John W. Gamblin, et al. are touched upon. This paragraph contains the following:

> "and theirs must stand as unadjudicated applications and claims to right to enrollment, the merits of which are to be considered by Congress or by the tribunal to which it (Congress) may commit them, or such tribunal as may now have jurisdiction."

The specific facts in the case of John W. Gamblin, et al. are then touched upon and the Indian Office is requested to forward a report, as early as practicable, as to the advisability of delay in beginning ejectment proceedings until the next session of Congress which may perhaps pass upon their case.

October 5, 1907 (I T D 73379, 78467-1907. File 053) the Indian Office reported that it saw no reason why the cases of these persons should be brought to Congress or any relief

Secretary 13

sought by the Department from that source, and the Acting Commissioner of Indian Affairs did not believe that the removal of the families of Conklin and Spring from the lands then occupied by them should be longer delayed.

October 4, 1907, this recommendation was approved by the First Assistant Secretary of the Interior.

Respectfully,

Commissioner.

Through the Commissioner of Indian Affairs.

AB

Land
34734-1909
J B B

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs. S.R.
Washington, Jun 4 1909

Enrollment case of
John N. Gamblin et al.

The Commissioner to the
Five Civilized Tribes,
Muskogee, Oklahoma.

Sir:

Referring to your report of April 29, 1909, relative to the Choctaw enrollment case of John N. Gamblin, et al., you are advised that on June 1, 1909, the Department held that the case mentioned is not analogous to that of John N. Goldsby and does not come within the principles announced by the Supreme Court of the United States in its decision of November 30, 1908 in that case (211 U. S. 249). The Department therefore declined to take any action looking to the enrollment of any of the applicants in the case of John N. Gamblin, et al., as citizens of the Choctaw Nation. A copy of approved Office letter of May 29, 1909, is inclosed for your further information. You are requested to notify the proper parties of this action of the Department.

Very respectfully,

C. F. Hauke.
Chief Clerk.

JG-3
1788

Land
3 4734-1909
J E D

Enrollment case of John
H. Gamblin et al. May 29 1909

The Honorable,

The Secretary of the Interior,

Sir:

Referring to Department letter of March 1, 1909 (File 5-51) there is transmitted herewith a report of April 29, 1909, from the Commissioner to the Five Civilized Tribes, relative to the Cherokee enrollment case of John H. Gamblin et al. Other papers are also inclosed.

The Commissioner reports that his office has no record of any favorable action ever having been taken by the Department as to the applicants in the above mentioned case.

The Office is of the opinion that the case of John H. Gamblin et al. is not analogous to that of John E. Goldsby (211 U.S. 249), and therefore recommends that the Department take no action looking to the enrollment of any of the applicants therein.

Very respectfully,

OGP
1511 (Signed) R. G. Valentine,

Acting Commissioner.

APPROVED: June 1, 1909.

Frank Pierce,

First Assistant Secretary.

Choctaw 6069

Muskogee, Oklahoma, June 10, 1909.

Mrs. Lovie F. Scott,

Comanche, Oklahoma,

Madam:

You are hereby advised thaton June 1, 1909, the Secretary of the Interior held that the Choctaw enrollment case of John H. Gamblin, et al., is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the United States Supreme Court of November 30, 1908 in said Goldsby case.

Respectfully,

Acting Commissioner.

AB

7-5054

Muskogee, Indian Territory, May 19, 1906.

George W. Scott,

Comanche, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Lovie F. Scott and Dr. C. H. Howell to the birth of Roy Scott, child of George W. and Lovie F. Scott, June 8, 1905, and the same have been filed as an application for the enrollment of said child.

Respectfully,

Acting Commissioner.

Choc. Minor 958

William Overton Buck

M958

Decision rendered Oct. 20, 1906.
Refused Oct. 20, 1906.
Copy of decision forwarded attorneys for Choc. + Chick. Nations 10-20-06.
Copy of decision forwarded applicant 10-20-06.
Record forwarded Dept. 10-20-06.
Action approved by Secretary of Interior 2-21-07.
Notice of Dept. action forwarded attorneys for Choc. + Chick. Nations 4-18-07.
Notice of Dept. action mailed applicant 4-18-07.

NEW BORN# 958

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

William Overton Buck

as a citizen of

Choctaw Nation.

Approved. 190...

Commissioner.

Born Sept. 26, 1905.
Act of Congress approved April 26 1906.
Department of the Interior
Commissioner to the Five Civilized Tribes.

F I L E D Jul 11 1906.
(Signed) Tams Bixby Commissioner.
Choctaw N.B. 918.
Received Jul 2- 1906.

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS. APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR allotment as a citizen of the Choctaw Nation,

of William Overton Buck, born on the 26th day of September 1905.
[Here insert name of child]

Name of Father: William Buck a Court Claimant citizen of the Choctaw Nation.

Name of Mother: Pearl Buck a Court Claimant citizen of the Choctaw Nation.

Tribal enrollment of father..... Tribal enrollment of mother.....

Postoffice Shay, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, Pearl Buck, on oath state that I am 24 years of age and a citizen by Marriage of the Choctaw Nation; that I am the lawful wife of William Buck, who is a Court Claimant, by blood of the Choctaw Nation; that a Male [Male or Female] child was born to me on 26th day of September 1905: that said child has been named William Overton Buck and was living March 4, 1906.

Pearl Buck

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 27th day of June 1906.

(SEAL) D. B. Johnston
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, C. B. Martin, a Physician, on oath state that I attended on Pearl Buck, wife of William Buck, on the 26th day of September 1905; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named William Overton Buck.

C. B. Martin M.D.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 30th day of June 1906.

(SEAL) Wm M Franklin
Notary Public.

23-958.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William Overton Buck as a citizen of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on July 2, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of William Overton Buck as a citizen of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that the applicant was born September 26, 1905, and is the son of William Buck, who was denied citizenship in the Choctaw Nation (as William R. Buck) by the Choctaw and Chickasaw Citizenship Court on June 29, 1904, Case No. 97, on the Tishomingo Docket thereof, and Pearl Buck, a non-citizen and non-applicant, either for enrollment as a citizen of the Choctaw Nation or for identification as a Mississippi Choctaw.

I am of the opinion that William Overton Buck is not entitled to enrollment as a citizen of the Choctaw Nation, and that the application made for his enrollment as such should be denied, in accordance with the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

_____.

28-958.

Muskogee, Indian Territory, October 20, 1906.

Wm. R. Buck,

Shay, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of William Overton Buck as a citizen of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl. 28-958.

23-956.

Muskogee, Indian Territory, October 20, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of William Overton Buck as a citizen of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Incl. 23-956.

Muskogee, Indian Territory, October 20, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of William Overton Buck as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, denying said application.

Respectfully,

Tams Bixby

Commissioner.

2 Incl. 83-906.

Through the
Commissioner of Indian Affairs.

CRW

DEPARTMENT OF THE INTERIOR, LLB

D.C. 10923-1907. WASHINGTON.
I.T.D. 4092-1907.

LRS

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

October 20, 1906, you transmitted the record in the matter of the application for the enrollment of William Overton Buck as a citizen of the Choctaw Nation, including your decision of the same date, adverse to the applicant.

Reporting February 18, 1907 (Land 92947-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos Ryan

1 inc. and 2 to Ind. Of. First Assistant Secretary.

AFMc
3-23-07

942/429

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

Land
92947-1906.

February 18, 1907.

C O P Y

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed record of proceddings in the matter of the application for the enrollment of William Overton Buck as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, adverse to the applicant.

The record shows that on July 2, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of this applicant as a citizen of the Choctaw Nation. The record further shows that William Overton Buck was born September 26, 1905, and is the son of William Buck who was denied citizenship in the Choctaw Nation as "William R. Buck," by the Choctaw and Chickasaw Citizenship Court on June 29, 1904, and of Pearl Buck, a non-citizen.

This case does not come within the Lula West case approved by the Department February 10, 1905 (I.T.D. 10353-1904).

By reason of the provisions of the Act of Congress approved April 26, 1906, (34 Stat. L., 137), the Office concurs in the decision of Commissioner Bixby denying the enrollment of the applicant herein as a citizen of the Choctaw Nation.

Very respectfully,

KEM-LC. C. F. Larrabee, Acting Commissioner.

23-988

Muskogee, Indian Territory, April 18, 1907.

Wm. R. Buck,

Shay, Indian Territory.

Dear Sir:

You are hereby advised that on February 21, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of William Overton Buck as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

23-958

Muskogee, Indian Territory, April 18, 1907.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 21, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of William Overton Buck as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

4

7-8240

Muskogee, Indian Territory, July 6, 1906.

William Buck,

Shay, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Pearl Buck and C. B. Martin M. D., to the birth of William Overton Buck, child of William and Pearl Buck, September 26, 1906.

Respectfully,

Commissioner.

Choc. Minor 959

Bessie Jewel Buck

Virgie Kenney "

Decision rendered 10-20-06.

Refused 10-20-06.

Copy of decision forwarded attorneys for Choc. + Chick. Nations 10-20-06.

Copy of decision forwarded applicant 10-20-06.

Record forwarded Dept. 10-20-06.

Action approved by Secretary of Interior 2-21-07.

Notice of Dept. action forwarded attorneys for Choc. + Chick. Nations 4-22-07.

Notice of Dept. action mailed applicant. 4-22-07.

M 959

NEW BORN# 959

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Bessie Jewel Buck

as a citizen of

Choctaw Nation.

Approved ..... 190...

..... Commissioner.

Born Sept. 7,1903.
Act of Congress approved April 26, 1906
Department of the Interior
Commissioner to the Five Civilized Tribes.
F I L E D May 15 1906.
(Signed) Tams Bixby Commissioner.
Choctaw N.B.959
Received May 11 1906.

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS. APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

Bessie Jewel Buck [Here insert name of child], born on the 7th day of Sept 903

Name of Father: Clarence Buck appli a citizen of the Choctaw Nation.

Name of Mother: Martha Buck appli a citizen of the Choctaw Nation.

Tribal enrollment of father _____ Tribal enrollment of mother _____

Postoffice Kingston I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Martha Buck, on oath state that I am 22 years of age and a citizen appli of the Choctaw Nation; that I am the lawful wife of Clarence Buck, who is a citizen, by appli of the Choctaw Nation; that a female [Male or Female] child was born to me on 7th day of Sept, 1903.; that said child has been named Bessie Jewel Buck and was living March 4, 1906.

x Martha Buck

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 7th day of May 1906.

(SEAL) D P Johnston
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, C. B. Martin, a M.D., on oath state that I attended on Martha Buck, wife of Clarence Buck on the 7th day of Sept 1903.; that there was born to her on said date a female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Bessie Jewel Buck

(SEAL) C.B.Martin

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 9th day of May 1906.

S. L. Chowning
Notary Public.

NEW BORN# 959

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

..Virgie Kenney Buck.....

as a citizen of

..Choctaw..... Nation.

Approved..... 190...

.....

Commissioner.

Act of Congress approved April 26, 1906.
Born Jan 24, 1906.
Department of the Interior
Commissioner to the Five Civilized Tribes.
F I L E D May 15 1906.
(Signed) Tams Bixby Commissioner
Choctaw N.B.959
Received May 11 ,1906.

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Virgie Kenney Buck [Here insert name of child], born on the 24th day of June 906

Name of Father Clarence Buck appli the Choctaw Nation.

Name of Mother Marhha Buck appli of the Choctaw Nation.

Tribal enrollment of father ..... Tribal enrollment of mother .....

Postoffice Kingston I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Martha Buck, on oath state that I am 22 years of age and a citizen by appli of the Choctaw Nation; that I am the lawful wife of Clarence Buck, who is a appli by ..... of the Choctaw Nation; that a male [Male or Female] child was born to me on 24th day of Jan 1906.; that said child has been named Virgie Kenney Buck, and was living March 4, 1906.

x Martha Buck

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 7th day of May 1906.

D.P. Johnston
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, H. H. Hombeck, a Physician, on oath state that I attended on Mrs Martha Buck, wife of Clarence Buck on the 24 day of Jan 1906.; that there was born to her on said date a M. ala [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Virgie Kenney Buck

H. H. Hombeck

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 8th day of May 1906.

(SEAL)

D.P. Johnston
Notary Public.

23-959.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Bessie Jewel Buck and Virgie Kenney Buck as citizens of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on May 11,1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Bessie Jewel Buck and Virgie Kenney Buck as citizens of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that the applicants were born September 7, 1903, and January 24, 1906, respectively, and are the children of Clarence Buck, who was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on June 29, 1904, Case No. 97, on the Tishomingo Docket thereof, and Martha Buck, a non-citizen and non-applicant, either for enrollment as a citizen of the Choctaw Nation or for identification as a Mississippi Choctaw.

I am of the opinion that Bessie Jewel Buck and Virgie Kenney Buck are not entitled to enrollment as citizens of the Choctaw Nation, and that the application made for their enrollment as such should be denied, in accordance with the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

OCT 20 1906

23-959

Muskogee, Indian Territory, October 20, 1906.

Clarence Buck,

Kingston, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Bessie Jewel Buck and Virgie Kenney Buck as citizens of the Choctaw Nation, under the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Registered.

Incl. 23-959.

23-959

Muskogee, Indian Territory, October 20, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Bessie Jewel Buck and Virgie Kenney Buck as citizens of the Choctaw Nation, under the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 23-959.

Muskogee, Indian Territory, October 20, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Bessie Jewel Buck and Virgie Kenney Buck as citizens of the Choctaw Nation, under the Act of Congress approved April 26, 1906, including the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, denying said application.

Respectfully,

Commissioner.

23-959.

Through the
Commissioner of Indian Affairs.

23-959

JPJr

DEPARTMENT OF THE INTERIOR,
WASHINGTON/ LLB

DC-10940-1907.
I. T. D. 4094-1907. February 21, 1907.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

October 20, 1906, you transmitted the record in the matter of the application for the enrollment of Bessie Jewel Buck and Virgie Kenney Buck as citizens of the Choctaw Nation, including your decision of the same date, adverse to the applicants.

Reporting February 18, 1907 (Land 92929-1906), the Indian Office recommended that your decision be approved. A copy of its letter is enclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos. Ryan

First Assistant Secretary.

1 inc. and 2 Ind. Of.

AFWc
2-23-07

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

DC-10940-1907.
LAND
92929-1906.

February 18, 1907.

C O P Y

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Bessie Jewel Buck and Virgie Kenney Buck as citizens of the Choctaw Nation, including decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, adverse to the applicants.

The record shows that on May 11, 1906 application was made to the Commissioner to the Five Civilized Tribes for the enrollment of these applicants as citizens of the Choctaw Nation. The record further shows that Bessie Jewel Buck and Virgie Kenney Buck were born September 7, 1903 and January 24, 1906, respectively, and are the children of Clarence Buck, who was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on June 29, 1904, and Martha Buck, a non-citizen.

This case does not come within the Lula West case approved by the Department February 10, 1905, (I.T.D. 10353-1904).

By reason of the provisions of the Act of Congress approved April 26, 1906, (34 Stat.L. 137), the Office concurs in the decision of Commissioner Bixby denying the enrollment of the applicants herein as citizens of the Choctaw Nation.

Very respectfully,
C F Larrabee
Acting Commissioner.

KBW-LC..

25-959

Muskogee, Indian Territory, April 22, 1907.

Clarence Buck

Kingston, Indian Territory.

Dear Sir:

You are hereby advised that on February 21, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Bessie Jewel Buck and Virgie Kenney Buck as citizens of the Choctaw Nation, under the Act of Congress approved April 26, 1906.

Respectfully,

Commissioner.

23-959

Muskogee, Indian Territory, April 22, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 21, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Bessie Jewel Buck and Virgie Kenney Buck as citizens of the Choctaw Nation, under the Act of Congress approved April 26, 1906.

Respectfully,

Commissioner.

7-5240

Muskogee, Indian Territory, May 14, 1906.

Clarence Buck,

Kingston, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Martha Buck and C. B. Martin, to the birth of Bessie Jewel Buck, also the affidavits of Martha Buck and H. H. Hornbeck, to the birth of Virgie Kenney Buck, children of Clarence and Martha Buck, September 7, 1903, and January 24, 1906, respectively.

Respectfully,

Acting Commissioner.

Choc. Minor 960

Lillie Bell Swadley

Refused Feb. 27, 1907.
Record forwarded Dept. 2-28-07.
Action approved by Secretary of
Interior 3-4-07.

M 960

IN RE

Application for Enrollment of

INFANT CHILD

Lizzie Bell Brantley

as a citizen of

Choctaw Nation

Approved 190

Commissioner.

Enrolled prior 21-1905

Rec'd July 23 1906

BIRTH AFFIDAVIT.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Under Act of April 26/1906 Public # 129

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Lillie Bell Swadley (Here insert name of child.), born on the 21 day of January, 1905

Name of Father: John W. H. Swadley, a citizen of the Choctaw Nation.

Name of Mother: Mary Swadley, a citizen of the United States Nation.

Postoffice Coalgate, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Central DISTRICT. }

I, Mary Swadley, on oath state that I am 23 years of age and a citizen by ..... of the United States Nation; that I am the lawful wife of John W. H. Swadley, who is a citizen, by blood, of the Choctaw Nation; that a female (Male or Female.) child was born to me on 21 day of January, 1905; that said child has been named Lillie Bell Swadley, and was living March 4, 1906, and is now living.

Mary Swadley.

WITNESSES TO MARK:

(Must be Two Witnesses.) {

SEAL

Subscribed and sworn to before me this 16th day of July, 1906.

My commission expires Jan 30th 1910

Theo Von Kellar, Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Central DISTRICT. }

I, W. M. Hume, a ....., on oath state that I attended on Mrs. John W. H. Swadley, wife of John W. H. Swadley on the 21 day of January, 1905; that there was born to her on said date a female (Male or Female.) child; that said child is now living, was living March 4, 1906, and is said to have been named Lillie Bell Swadley

W. M. Hume. M.D.

WITNESSES TO MARK:

(Must be Two Witnesses.) {

SEAL

Subscribed and sworn to before me this 16th day of July, 1906.

My commission expires Jan 30th 1910.

Theo Von Kellar, Notary Public.

23-960
O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lillie Bell Swadley as a citizen by blood of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein that on July 23, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Lillie Bell Swadley as a citizen by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein that said applicant was born on January 21, 1905, and is the daughter of John W. Swadley, relative to whom the Commissioner to the Five Civilized Tribes held on December 15, 1906, that he was without authority to take any action looking to the enrollment of said applicant as a citizen by blood of the Choctaw Nation, and, therefore, declined to receive any application for his enrollment as such, and Mary Swadley, a non-citizen.

The decision of the Commissioner to the Five Civilized Tribes above referred to was fowwarded to the Department December 15, 1906.

I am, therefore, of the opinion that the application for the enrollment of Lillie Bell Swadley as a citizen by blood of the Choctaw Nation, should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Muskogee, Indian Territory,
FEB 27 1907

Commissioner.

23-960

COPY

Muskogee, Indian Territory, February 17, 1907.

John W. Swadley,

Coalgate, Indian Territory,

Dear Sir:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 17, 1907, denying the application for the enrollment of Lillie Bell Swadley as acitizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.
Incl. 23-960

23-960

COPY

Muskogee, Indian Territory, February 27, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, denying the application for the enrollment of Lillie Bell Swadley as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 23-960.

Muskogee, Indian Territory, February 27, 1907.

COPY

The Honorable,

The Secretary of the Interior:

Sir:-

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Lillie Bell Swadley as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, denying said application.

Respectfully,

SIGNED Tams Bixby

Commissioner.

2 Incl.

Through the
Commissioner of Indian Affairs.

Muskogee, Indian Territory, August 13, 1906.

John W. W. Swadley,
Coalgate, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of the affidavits of Mary Swadley and W. M. Hume to the birth of Lillie Bell Swadley, child of John W. W. and Mary Swadley, January 21, 1905.

Respectfully,

Commissioner.

23-960

Muskogee, Indian Territory, March 8, 1907.

John W. W. Swadley,

Coalgate, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 20, 1907, inclosing your marriage certificate and the same has been filed in the matter of the enrollment of your child Lillie Belle Swadley.

Respectfully,

Commissioner.

CRW

RJH

DEPARTMENT OF THE INTERIOR

WASHINGTON

D. C. 13275-1907.
I.T.D. 7910-1907.

March 4, 1907.

LRS

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following citizenship cases, adverse to the applicants, are hereby approved. A copy of Indian Office letter of March 2, 1907 (Lands 21714, etc.), transmitting your reports of February 28, 1907, and recommending that your decisions be affirmed, is inclosed.

Title of case:

Lillie Bell Swadley, et al., Choctaw,
Clark Smith, Cherokee freedman,
Ollie Robinson, et al., Cherokee freedmen,
Nora and James Williams, Cherokee freedmen,
Paul Whitmire, Cherokee freedmen,
Sirena Williams, Cherokee freedman,
Jonathan C. Parker, Cherokee by blood,
John Henry Crosslin, Cherokee,
Leta M. Love, Cherokee,
Kenneth Sanders, Cherokee by blood,
Elizabeth B. Kirkham, et al., Cherokee by blood,
Leland Yeates, et al., Cherokee,
John W. Vaughn, Cherokee by blood,
David Meredith, et al., Cherokee by blood,
Martha A. Sanders, Cherokee by blood,
Robert Brown, et al., Cherokee by blood.

In transmitting the record in the matter of the application for the enrollment of Lillie Bell Swadley, you recommend that

the name of William T. Swadley opposite No. 1634 upon the approved roll of citizens by intermarriage of the Choctaw Nation by cancelled, and that the enrollment of Minerva F. Swadley, opposite No. 16113 upon the schedule of citizens by blood of the Choctaw Nation, transmitted with your office letter of January 19, 1907, be not approved by the Department.

The names of William T. Swadley and Minerva F. Swadley are hereby cancelled from said rolls, if they have not already been cancelled.

A carbon copy hereof, and all the papers in the above mentioned cases, have been sent to the Indian Office.

Respectfully,

E. A. Hitchcock,

Secretary.

1 inc. and 32 incs.
for Ind. Off.

COPY

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON

March 2, 1907.

Land
References in
body of letter.

The Honorable,

The Secretary of the Interior.

Sir:

There are transmitted herewith several reports of Commissioner Bixby forwarding the records of proceedings in the matter of applications for the enrollment of the following persons:

21710-1907, Robert Brown, Esther Brown, Ellen Brown, Emma Brown, Sallie L. Brown, Lillie Brown, John R. Brown, Bessie Brown, and Eliza Brown as citizens by blood of the Cherokee Nation.

21714-1907, Lillie Bell Swadley, as a minor citizen of the Choctaw Nation.

21712-1907, Martha A. Sanders, as a citizen by blood of the Cherokee Nation.

21711-1907, David Meredith, Mary E. Haynes, Eliza Starbuck, Cyrena Randolph, and John C. Randolph, as citizens by blood of the Cherokee Nation.

21707-1907, John W. Vaughn, as a citizen by blood of the Cherokee Nation.

21705-1907, Leland Yeates, Sarah F., Gracia A., Roy C.,

and Gertrude E. Osborn, as citizens of the Cherokee Nation.

21704-1907, Mary J. Grace, Isaac T. Herod, Elizabeth B., Alford M., Arthur H., Jessie E., and Lela G. Kirkham, Ellen F., Thomas F., Ernest D., Eula L., Isaac F., Mattie G., and Troy A. Carter, as citizens by blood of the Cherokee Nation.

21703-1907, Kenneth Sanders, as a citizen by blood of the Cherokee Nation.

21701-1907, Leta M. Love, as a citizen by blood of the Cherokee Nation.

21700-1907, John Henry Crosslin, as a citizen by blood of the Cherokee Nation.

21699-1907, Jonathen C. Parker, as a citizen by blood of the Cherokee Nation.

21709-1907, Sirena Williams, as a Cherokee freedman.

21708-1907, Paul Whitmire, as a Cherokee freedman.

21706-1907, Nora Williams, and James Williams as Cherokee freedmen.

21702-1907, Ollie Robinson, Freddy Shafer, Joe, Emma, and Polly Shafer, as Cherokee freedmen.

21698-1907, Clark Smith, as a Cherokee freedman.

In each of the above cases the decision of Commissioner Bixby was adverse to the applicant.

The Office has examined the decisions of Commissioner Bixby, they are found to be correct, and their approval is recommended.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

KBM-D

Choc. Minor 961
Ida Welsh
Roy "

D.P. in TD269

Refused
Record forwarded Dept.
Action approved by Secretary of Interior 3-4-07.
Notice of Dept. action forwarded attorneys for Choc. + Chick. Nations 4-9-07.
Notice of Dept. action forwarded attorney for applicant 4-9-07.
Notice Dept. action mailed applicant 4-9-07.

M961

COPY

7-D-269
23-961. DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

- - - - - - - - -

In the matter of the application for the enrollment of Ada Parnell, now Ada Welsh, et al., as citizens by blood of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the Census Card Record in this case that application was made to the Commission to the Five Civilized Tribes on August 1, 1899, by Mary E. Parnell for the enrollment of Ada Parnell, now Ada Welsh, and Roville Parnell as citizens by blood of the Choctaw Nation.

On June 5, 1906, written applications were made to the Commissioner to the Five Civilized Tribes for the enrollment of Ida Welsh and Roy Welsh, minor children of Ada Welsh and Thomas Welsh, as citizens by blood of the Choctaw Nation.

The record herein shows that the applicants, Ada Welsh and Roville Parnell, are the children of Mary E. DePeister. It is alleged that the father of said children is Haywood P. Parnell.

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that the name of Mary E. DePeister appears on the final roll of citizens by intermarriage of the Choctaw Nation, opposite No. 1546, and that the name of Haywood P. Parnell appears on the final roll of citizens by blood of the Choctaw Nation, opposite No. 6138.

The record herein further shows that the applicants, Ida Welsh and Roy Welsh, are the children of Ada Welsh and Thomas Welsh, a new-citizen; that said applicants were born on June 26, 1902, and November 19, 1904, respectively, and were living on March 4, 1906.

The evidence as to the legitimacy of the applicants, Ada Welsh and Roville Parnell, is to some extent conflicting. The record contains the testimony of Haywood P. Parnell, taken at Talihina, Indian Territory, in which he states that he had only one child by Mary DePeister, formerly Mary Parnell, which child was named Robert and is now dead. He was also asked the question, "How long since you quit her," to which he answered, "I cannot exactly tell, I don't know how long, but it has been a good while--- it has been fifteen or sixteen years." The date on which this testimony was submitted is not shown by the records. It was, however, without a doubt, given subsequent to August 1, 1899, the date on which application was made for the enrollment of Ada Welsh and Roville Parnell as citizens of the Choctaw Nation.

Thomas Nelon testified that Mary Parnell and Haywood P. Parnell only had one child prior to their separa-

tion, which child was named Robert, and that after their separation she had some other children born to her while she was living with a white man named Jack Wise. The testimony of Jane Crow is practically to the same effect.

Mary DePeister testifies that she was married to Haywood P. Parnell in 1872; that they first separated in 1875; that at the time of the first separation she had one child, Robert Parnell; that after their separation they lived together as husband and wife at frequent intervals until about seventeen years prior to the date of her testimony, which was January 12, 1903, when said Haywood P. Parnell obtained a divorce.

The record herein shows that the applicant, Ada Welsh was born on July 24, 1882; that the applicant, Revilla Parnell, was born on the 24th day of January, 1884.

It does not appear from the record herein or from the records in the possession of the Commissioner to the Five Civilized Tribes that the applicants, Ada Welsh and Revilla Parnell, were ever recognized and enrolled as citizens by blood of the Choctaw Nation by any duly constituted authority; their names do not appear on any of the tribal rolls of the Choctaw Nation in the possession of this office.

The name of Haywood "Penal" and Mary "Penal" appear on the 1885 Choctaw Census Roll. The name of Robert "Penal" also appears on said roll. The name of H. P. Parnell also appears on the 1896 Choctaw Census Roll.

The record herein fails to show that the applicants, Ada Welsh and Revilla Parnell, are the children of recognized and enrolled citizens of the Choctaw Nation. This fact, however is immaterial, inasmuch as the record herein shows that said applicants were adults on September 25, 1902, and have never been recognized and enrolled as citizens by blood of the Choctaw Nation by any duly constituted authority. and therefore, are not entitled to enrollment.

I am, therefore, of the opinion that the applications for the enrollment of Ada Welsh and Revilla Parnell as citizens by blood of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applications for the enrollment of Ida Welsh and Roy Welsh as citizens by blood of the Choctaw Nation should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

SIGNED *Tams Bixby*

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

FEB 27 1907

D. C. 13274. SPECIAL. CHV.

DEPARTMENT OF THE INTERIOR, S.P.

WASHINGTON. March 4, 1907.

I. T. D. 7906-1907.
LRS.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

March 2, 1907, the Indian Office transmitted the record, together with your adverse decisions in the following enrolment cases, concurring in your decisions:

Title of Case.

Dora Riley, et al. (intermarried Chee.)

George Crawford (intermarried Chee.)
Abraham M. Nail, et al. (Choctaw).
Mannie Guess, et al. (Choctaw freed.)
Neal Walker (Chee. freed.)
Patsie Alexander (Chee. freed.)
Arie Lewis (intermarried Chee.)
George Rosenthal (intermarried Chee.)
Ada Welch, et al. (Chee. by blood)
William H. Moore, et al. (Chee. by blood)
William B. Hill, et al. (Choctaw)
James A. Blackburn, et al. (Cherokee)
Andrew T. Watie, et al. (Cherokee freed.)

The Department cannot concur in your decision in the case of Dora Riley, applicant for enrolment as a citizen of the Choctaw Nation.

In view of the opinion of the Attorney General in the case of William C. Thompson, et al., you are directed to enroll the said Dora Riley as a citizen by intermarriage of the Choctaw Nation.

The application for the enrolment of her child Florence L. Riley is denied in accordance with your decision.

The Department cannot concur in your decision adverse to George Crawford, applicant for enrolment as a citizen by intermarriage of the Chactaw Nation, as he was married to a woman admitted to citizenship in the Chactaw Nation by the Commission in 1896. You are accordingly directed to enroll him as a citizen by intermarriage of the Chactaw Nation.

In the other cases submitted, the Department concurs in your decision adverse to the applicants.

They are accordingly affirmed.

The papers have been sent to the Indian Office, together with a copy hereof.

Respectfully,

E. A. Hitchcock,

Secretary.

24 inc. to Ind. Of.
WCM. 2-4-01.

Refer to reply to the following. [illegible]

R. C. 13976 [illegible]

Land
Reference to
Duty of Letter. [illegible], March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There are forwarded herewith several reports from Commissioner Tidby, transmitting the records in certain contested claim cases, together with the decisions of the Commissioner, rejecting the applications for the segregation of all the persons involved in the following cases:

2,869	Chickasaw by Blood, James A. Blackburn, et al.
2,870,	[illegible] Freedman, Andrew T. Wells, et al.
2,871,	[illegible] of Rights, William B. Hill, et al.
2,872,	William B. Sears, et al.
2,873,	Abraham H. Hall, et al.
2,874,	Sears, et al.
2,875,	Ada Wells, et al.
	[illegible] of Intermarriage,
2,876,	Sears, et al.
2,877,	Abraham H. Hall, et al.

-2-

[redacted]

The Office has examined the record in each of the above cases and recommends that the decisions of the Commissioner denying the applications of the persons involved therein be approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

[redacted]

Choc. Minor 962
Perry Q. Askew

M962

Refused 10-23-06.
Record forwarded Dept. 10-24-06.
Action approved by Secretary
of Interior 3-04-07.
Notice of Dept. action mailed parties
herein 4-22-07.
Notice and decision in 7-5200.

New Born # 962

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....Perry Q. Askew.....

as a citizen of

.....Choctaw..... Nation.

Approved..... 190...

.....

Commissioner.

Born June 4, 1903

Act of Congress approved
April 26, 1906

Department of the Interior
Commissioner to the Five
Civilized Tribes
Filed Aug 2, 1906
(Stamped) Tams Bixby
Commissioner.

Choctaw N.B. 962 Received
7-5074 Jul 19 1906

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Perry O. Askew [Here insert name of child], born on the 4th day of June 1903.

Name of Father: Geo W. Askew a citizen of the Choctaw Nation.

Name of Mother: Dora A Askew a citizen of the Choctaw Nation.

Tribal enrollment of father Choctaw Tribal enrollment of mother Choctaw

Postoffice Calvin I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Dora A Askew, on oath state that I am 38 years of age and a citizen by marriage of the Choctaw Nation; that I am the lawful wife of Geo W. Askew, who is a citizen, by blood, of the Choctaw Nation; that a male [Male or Female] child was born to me on 4th day of June 1903; that said child has been named Perry O. Askew and was living March 4, 1906.

(Signed) Dora A Askew

WITNESSES TO MARK:

[Must be Two Witnesses] }
}

Subscribed and sworn to before me this 5th day of July 1906.

My commission expires Mch 11 1909 (Signed) L. H. Ritter (Seal)
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, M. J. Johnson, a physician, on oath state that I attended on Dora A, wife of George W. Askew on the 4th day of June 1903; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Perry O. Askew

(Signed) M.J. Johnson M. D.
(SEAL)

WITNESSES TO MARK:

[Must be Two Witnesses] }
}

Subscribed and sworn to before me this 5th day of July 1906.

My commission expires Mch. 11-1909 (Signed) L. H. Ritter
Notary Public.

C -105
7-5073
5074
5106
5122
5123
5196
5197
5200
5201
5214

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Newt Askew, et al., as citizens of the Choctaw Nation.

DECISION.

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes at Ardmore, Indian Territory, September 23, 1898, by Newt Askew, for the enrollment of himself, his wife, Nancy M. Askew, William H. Askew, Henry E. Askew, Elizabeth V. Askew, Dallas A. Askew and Roxy C. Askew, children of said Newt Askew and Nancy A. Askew, as citizens by blood of the Choctaw Nation; that on April 10, 1900, written application was made for the enrollment of Alpha Marie Hefner as a citizen by blood of the Choctaw Nation; that on April 11, 1902, written application was made for the enrollment of Julius Edward Askew as a citizen by blood of the Choctaw Nation; that on April 25, 1902, written application was made for the enrollment of Nancy Ann Hefner as a citizen by blood of the Choctaw Nation; that application was made by William Q. Askew at Ardmore, Indian Territory, September 22, 1898, for the enrollment of himself and minor children, Mattie Askew, Ellen Askew, and Tom Askew as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Martha Askew, as a citizen by intermarriage of said nation; that application was made by Rebecca Askew at Ardmore, Indian Territory, September 23, 1898, for the enrollment of herself as a citizen by blood of the Choctaw Nation; that application was made by William T. Askew at Ardmore, Indian Territory, September 22, 1898, for the enrollment of himself and minor children, Thane Askew, Perry Askew, Tommy Askew, Lillie Askew, Gilbert Askew and Lizzie Askew as citizens by blood of the Choctaw Nation, and for the enrollment of hiswife, Bettie Askew, as a citizen by intermarriage of said nation; that on October 13, 1900, written application was made for the enrollment of Ethel Askew, minor daughter of said William T. Askew, and Bettie Askew, as a citizen by blood of the Choctaw Nation; that on August 16, 1902, written application was made for the enrollment of Robert Askew, minor son of the said William T. Askew and Bettie Askew, as a citizen by blood of the Choctaw Nation; that on November 30, 1901, written application was made for the enrollment as a citizen by blood of the Choctaw Nation of Robert Fley Shipman, minor child of Thane Shipman (nee Askew), by her husband, T. D. Shipman; that application was made by Mary E. Jackson at Ardmore, Indian Territory, September 25, 1898, for the enrollment of herself and her

minor children, Taylor F. Jackson, Alma Jackson, Charley Jackson, Roscoe Jackson, and Ethel Jackson, as citizens by blood of the Choctaw Nation; that application was made by Mary C. Brewer at Ardmore, Indian Territory, September 23, 1898, for the enrollment of herself and minor children, Emma Brewer and Elmer Brewer, as citizens by blood of the Choctaw Nation; that on December 18, 1899, written application was made for the enrollment of the applicant, Mary B. Brewer, minor daughter of said Mary C. Brewer and E. F. Brewer, as a citizen by blood of the Choctaw Nation; that application was made by George W. Askew at Ardmore, Indian Territory, September 22, 1898, for the enrollment of himself and minor children, Sophia Askew and Alice Askew, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Dora Askew, as a citizen by intermarriage of said nation; that application was made by Martha E. Turner at Ardmore, Indian Territory, September 23, 1898, for the enrollment of herself as a citizen by blood of the Choctaw Nation; that application was made by Sam Askew at Ardmore, Indian Territory, September 23, 1898, for the enrollment of himself as a citizen by blood of the Choctaw Nation, and for the enrollment of his wife, Lena Askew, as a citizen by intermarriage of said nation; that on March 20, 1900, written application was made for the enrollment of Frankie Beatrice Askew, minor daughter of Sam Askew and Lena Askew, as a citizen by blood of the Choctaw Nation; that on April 2, 1901, written application was made for the enrollment of Lee Askew, minor son of Sam Askew and Lena Askew, as a citizen by blood of the Choctaw Nation; that application was made by John Askew at Ardmore, Indian Territory, September 23, 1898, for the enrollment of himself as a citizen by blood of the Choctaw Nation.

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that the applicants, William Q. Askew, William T. Askew, George W. Askew, Sam Askew, Martha Askew, Mattie Askew, Ellen Askew, Tom Askew, Bettie Askew, Thane Askew, Perry Askew, Tommy Askew, Lillie Askew, Gilbert Askew, Lizzie Askew, Dora Askew, and Sophia Askew were applicants to the Commission to the Five Civilized Tribes for admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), that they were denied such admission by a decision of the Commission of December 1, 1896, (1896 Choctaw Citizenship Case No. 1); that from this decision an appeal was taken to the United States Court for the Southern District of Indian Territory, which Court on December 21, 1897, in the case entitled "William Q. Askew, et al., vs. Choctaw Nation", rendered a judgment reversing the decision of the Commission to the Five Civilized Tribes as to the applicants, and admitted all of said applicants to citizenship in the Choctaw Nation, except Martha Askew, Bettie Askew and Dora Askew. On March 12, 1898, said Court rendered a supplemental decision in said case, admitting said Martha Askew, Bettie Askew and Dora Askew to citizenship in the Choctaw Nation.

These judgments were subsequently vacated, set aside, and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations, or Tribes, vs. J. T. Riddle, et al".

Said cause was subsequently certified to the Choctaw and Chickasaw Citizenship Court, created by the Act of Congress ap-

proved July 1, 1902 (32 Stats., 641), for a trial de novo, and on September 19, 1904, said Citizenship Court in the case entitled "William Quint Askew, et al., vs. Choctaw and Chickasaw Nations" (Choctaw-Chickasaw Citizenship Court Case No. 2, Tishomingo Docket), rendered a judgment therein, wherein it was "orderedAdjudged and decreed that the petition of the plaintiffs, William Quint Askew, Martha Askew, Mattie Askew, Ellen Askew, Tom Askew, William Thomas Askew, Bettie Askew, Perry Askew, Tommie Askew, or Tommy Askew, Lily Askew or Lillie Askew, Gilbert Askew, Lizzie Askew, Thane Shipman, or Thane Askew, George Washington Askew, Dora Askew, Sophia Askew and Sam Askew be denied, and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom".

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321), application was made to the Commission to the Five Civilized Tribes for admission to citizenship in the Choctaw Nation of the following named persons: Rebecca Askew, Johnnie Askew, Newton Askew, Nancy Maliney Askew, William Howard Askew, Henry Edward Askew, Elizabeth Viola Askew, Dallas Alexander Askew, Roxie Cordelia Askew, Mrs. May Catherine Brewer, George Brewer, Elmo Brewer, Emma Brewer, Mrs/ Mary Ellen Jackson, Tom Jackson, Taylor Franklin Jackson, Almer Jackson, Charlie Jackson, Roscoe Jackson, Mrs. Martha Etta Turner, and Marshall A. Turner. All of said applicants were denied admission to citizenship in the Choctaw Nation by a judgment of the Commission on December 1, 1896 (1896 Choctaw Citizenship Case No. 2).

Said cause was subsequently appealed to the United States Court for the South-rn District of Indian Territory, which Court on December 21, 1897, reversed the decision of the Commission to the Five Civilized Tribes as to certain of the applicants, and admitted the following as citizens of the Choctaw Nation: John Askew, Newt Askew, William Howard Askew, Henry Edward Askew, Elizabeth Viola Askew, Dallas Alexander Askew, Roxie Cordelia Askew, Mrs. Rebecca Askew, Mrs. Nancy Melinda Askew, Mrs. May Catherine Brewer, Emma Brewer, Elmer Brewer, Mary Ellan Jackson, Taylor Franklin Jackson, Alma Jackson, Charlie Jackson, Roscoe Jackson and Mrs. Martha Etta Turner. In addition thereto the judgment of the Court recited "It further appears that exceptions have been filed to that part of the Master's Report relating to George Brewer, Marshall Turner and Tom Jackson, and it is hereby ordered that this cause stand open as to these three parties, so that said exceptions may be considered hereafter".

Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court of December 17, 1902, in the test case of "Choctaw and Chickasaw Nations, or Tribes vs. J. T. Riddle, et al."

Said cause as to certain of the applicants was subsequently certified to the Choctaw and Chickasaw Citizenship Court, created under the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo, and on September 19, 1904, in the case entitled "Newt Askew, et al., vs. Choctaw and Chickasaw Nations" (Choctaw-Chickasaw Citizenship Court Case No. 1, Tishomingo Docket),

rendered a judgment, therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Newt Askew, Nancy Malinda Askew, William Howard Askew, Dallas Alexander Askew, Henry Edward Askew, Roxie Cordelia Carter (nee Askew), or Roxie Cordelia Askew, Jonnie Askew, or John Askew, Mary Catherine Brewer, or May Catherine Brewer, Emma Brewer, Elmer Brewer, Mary Ellen Jackson, Taylor Franklin Jackson, Alma Jackson, Charlie Jackson, Roscoe Jackson, Elizabeth Viola Hefner (nee Askew), or Elizabeth Viola Askew, and Rebecca Askew be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom".

On November 12, 1904, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Alpha Marie Hefner, Nancy Ann Hefner, Julius Edward Askew, Mary B. Brewer, Lena Askew, Frankie Beatrice Askew, Leo Askew, Alice Askew, Ethel Askew, Robert Askew, Robert Floy Shipman, and Ethel Jackson, for the reason that the persons through whom they claimed the right to enrollment had been denied citizenship by the Choctaw and Chickasaw Citizenship Court.

On December 3, 1904, the Commission to the Five Civilized Tribes issued an order dismissing the application for the enrollment of Martha E. Turner as a citizen by blood of the Choctaw Nation in accordance with the opinion of the Acting Attorney General dated May 9, 1904 (I.T.D. 3824-1904), and the opinion of the Assistant Attorney General for the Department of the Interior dated July 30, 1904 (I.T.D. 5246-1904).

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on March 14, 1906, by Thomas Norman, attorney for the petitioners, a petition praying for the enrollment of the following persons as citizens of the Choctaw Nation: Newt Askew, Nancy Malinda Askew, John Askew, Dallas Alexander Askew, Carrie Margarette Askew, Roxie Cordelia Carter (nee Askew), Marshall Turner, Mary Ellen Jackson, Tom Jackson, Taylor Jackson, Alma Jackson, Charley Jackson, Roscoe Jackson, Ethel Jackson, Viola Elizabeth Hefner, Joe Hefner, Alpha Marie Hefner, Nancy Ann Hefner, Mary Catherine Brewer, George Brewer, Emma Narcissus Brewer, Elmer Washington Brewer, Mary Belle Brewer, William Howard Askew, Tavia Askew, Julius Edward Askew, Henry Edward Askew, Rebecca Askew, William Quint Askew, Martha Askew, Mattie Askew, Ellen Askew, Tom Askew, William Thomas Askew, Bettie Askew, Perry Askew, Tom Askew, Lillie Askew, Gilbert Askew, Lizzie Askew, Ethel Askew, Robert Askew, Thaney Shipman, Floy Shipman, George Washington Askew, Dora Anderson Askew, Sophia Askew, Alice Askew, Sam Askew, Lena Askew and Leo Askew.

It is alleged in the petition that the petitioners are Choctaw descendants of Choctaw ancestry; that they took up a residence in the Indian Territory between the years 1880 and 1890 and have continued to reside in either the Choctaw or Chickasaw Nation since that time; that they claimed before and after their removal to said nations to be citizens of the Choctaw Nation by virtue of their Choctaw blood and Choctaw descent; that all their kinsfolk on Choctaw Indian side of the family, or a great many of them, are on the roll as citizens of the Choctaw Nation, that they have taken their allotment of lands and drawn their share of moneys thereof, and that their enrollment has long since been ap-

proved by the Secretary of the Interior.

The petitioners further state that among other children, an old half-blood Choctaw Indian, named Aaron Askew, had three children, two boys named Murrill and Tom, and one girl named Elizabeth, or Betty, who married a man named Douglas; that the United States Indian Agent rendered a decision about 1890, which was approved by the Choctaw Council, in which he adjudged the children of Murrill Askew to be citizens of the Choctaw Nation, all of whom are now on the approved roll of Choctaws; that in 1896 the Commission to the Five Civilized Tribes rendered a decision that the children of Elizabeth Douglas were citizens of the Choctaw Nation, and from this decision no appeal was taken; that all of said children are on the approved Choctaw rolls; that the petitioners herein are the legitimate descendants of the other brother named Tom Askew, and that they as well as the descendants of the said Murrill Askew and Elizabeth Douglas (nee Askew), are citizens of said nation.

On July 19, 1906, written applications were made to the Commissioner to the Five Civilized Tribes for the enrollment of the following persons as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137): Carl Hefner, born February 23, 1906, minor child of Joe H. Hefner and Viola Hefner; Perry Q. Askew, born June 4, 1903, minor child of George W. Askew and Dora A. Askew; Oscar G. Askew, born December 22, 1902, and Vernie Askew, born July 11, 1905, minor children of Dallas A. Askew and Carrie M. Askew; Violet Askew, born September 25, 1904, minor child of William H. Askew and Octavia W. Askew; Arthur W. Carter, born January 16, 1904, minor son of Charles Carter and Foxy C. Carter; and Roy Shipman, born August 12, 1905, minor child of Tom Shipman and Thanie Shipman. April 26, 1906, application was made for the enrollment of Vera Shipman, born September 29, 1903, minor child of Thanie Shipman and T. D. Shipman, as a citizen by blood of the Choctaw Nation.

It does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that any of the applicants has ever been recognized or enrolled as a citizen of the Choctaw Nation by any duly constituted authority.

The names of none of said applicants appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commissioner to the Five Civilized Tribes.

I am of the opinion that inasmuch as it does not appear from the record herein or from the records in the possession of this office that any of the applicants who applied to the Commission to the Five Civilized Tribes in 1896 possessed any tribal status as citizens of the Choctaw Nation, said Commission had jurisdiction to pass upon their rights as citizens of said nation, and I am without authority to take any action looking to their enrollment as citizens of said nation, and that the petition in so far as it relates to said applicants should be dismissed, and it is so ordered.

I am further of the opinion that as to those persons whose applications were dismissed for the reason that they failed to appeal to the Choctaw and Chickasaw Citizenship Court, or for the reason that their parents had been denied by a decree of said court, said dismissals should be affirmed, and the petition in so far as it relates to said applicants should be dismissed, and it is so ordered.

I am further of the opinion that the applications for the enrollment of Carl Hefner, Perry Q. Askew, Oscar G. Askew, Vernie Askew, Violet Askew, Arthur W. Carter, Roy Shipman, and Vera Shipman as citizens by blood of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Tams Bixby,

Commissioner.

Muskogee, Indian Territory,
Oct. 23, 1906.

Choc. Minor 963

Frank Delmer Jones

M963

Decision rendered 10-20-06.

Refused 10-20-06.

Copy of decision forwarded attorneys for Choc. + Chick. Nations 10-20-06.

Copy of decision forwarded applicant 10-20-06.

Record forwarded Dept. 10-20-06.

Action approved by Secretary of Interior 2-26-07.

Notice of Dept. action forwarded attorneys for Choc. + Chick. Nations 4-8-07.

Notice of Dept. action mailed applicant 4-8-07.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
Ada, Indian Territory,
May 28, 1906.

-oOo-

In the matter of the application for the enrollment of Frank Delmar Jones as a citizen by blood of the Choctaw Nation.

-oOo-

Frank C. Jones, after being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER

Q State your name, age and post office address? A Frank C. Jones, sixty years old and my post office is Ada, Indian Territory.
Q You are a white man, aren't you? A Yes, sir.
Q You claim no rights as a Choctaw by blood? A No, sir.
Q The Indian blood of this child comes through your wife? A Yes.
Q Isn't it a fact that you applied to the Commission for enrollment, and that you were denied by the Choctaw-Chickasaw Citizenship Court?
A Yes, sir; I was.
Q When were you denied? A In 1904.
Q Have you filed a petition for a rehearing in this matter? A Yes, sir; I have.
Q When? A Last Fall sometime.
Q Is that case still pending before the Commissioner? A Yes, sir.

Witness excused.

Vester W. Rose on oath states that, as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled case and that the above is a true and correct copy thereof.

Vester W. Rose

Subscribed and sworn to before me this the 28th day of May, 1906.

Notary Public.

NEW BORN 963

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Frank Delmer Jones

as a citizen of

CHOCTAW Nation.

Approved..... 190...

.....
Commissioner.

Born Jan 6, 1906

Act of Congress approved
April 26 1906
Department of the Interior
Commissioner to the Five
Civilized Tribes

Filed Jun 4, 1906
Tams Bixby Commissioner

CHOCTAW RECEIVED
N. B. 963
Ada I. T. May 28 06.

BIRTH AFFIDAVIT 1906

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Frank Delmer Jones [Here insert name of child], born on the 6th day of January 1906

Name of Father: Frank C. Jones a citizen by intermarriage of the Choctaw (Court) Nation.

Name of Mother: Sarah J. Jones a citizen by blood of the Choctaw Court Nation.

Tribal enrollment of father None Tribal enrollment of mother Court

Postoffice Ada, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, Southern District.

I, Sarah J. Jones, on oath state that I am 37 years of age and a citizen by blood of the Choctaw Nation; that I am the lawful wife of Frank C. Jones, who is a citizen, by intermarriage of the Choctaw Nation; that a Male [Male or Female] child was born to me on 6 day of January 1906.; that said child has been named Frank Delmer Jones and was living March 4, 1906. is now present

(Signed) Sarah J Jones

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 28 day of May 1906.

(Signed) D Conway Lloyd
Notary Public.

(SEAL)

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, District.

I, , a , on oath state that I attended on , wife of on the day of 1906; that there was born to her on said date a [Male or Female] child; that said child was living March 4, 1906, and is said to have been named

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this day of 1906.

Notary Public.

23-963.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Frank Delmer Jones as a citizen of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on May 28, 1906, at Ada, Indian Territory, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Frank Delmer Jones as a citizen of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that Frank Delmer Jones was born January 6, 1906, and is the son of Frank C. Jones and Sarah J. Jones, who were denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on June 29, 1904, in Case No. 31, on the Tishomingo Docket thereof.

I am of the opinion that Frank Delmer Jones is not entitled to enrollment as a citizen of the Choctaw Nation, and that the application made for his enrollment as such should be refused, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

OCT 24 1906

23-963

Muskogee, Indian Territory, October 20, 1906.

Frank C. Jones,

Ada, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Frank Delmer Jones as a citizen of the Choctaw Nation, under the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby
Commissioner.

Registered.

Incl. 23-963.

23-963

Muskogee, Indian Territory, October 20, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Frank Delmer Jones as a citizen of the Choctaw Nation, under the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby
Commissioner.

Incl. 23-963.

Muskogee, Indian Territory, October 20, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Frank Delmer Jones as a citizen of the Choctaw Nation, under the Act of Congress approved April 26, 1906, including the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, denying said application.

Respectfully,

Commissioner.

2 Incl.

Through the
Commissioner of Indian Affairs.

D.C.11792.
L.R.R.
FINNEY.

J.F.
G.K.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I. T. D.
4330, 4348, 4350, 4370, 4376,
4378, 4382, 4400, 4404, 4418,
4426, 4428, 4430, 4440, 4446,
4452, 4508, 4514, 4522, 4536,
4550, 4552, 4578, 4588, 4590,
4596-1907;
21240, 21302, 22820, 24136,
24144, 24148, 24508, 24518,
24572-1906.

February 26, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of Your Letter of Transmittal.
John Ray Banks,	December 21, 1906.
Marie Eveline Boydston,	December 21, 1906.
Frank Palmer James,	October 22, 1906.
Joseph Goines,	October 22, 1906.
Dave Mashine (Freedman),	June 22, 1906.
Adia Sidney,	November 20, 1906.
Isabella Owens et al.(Freedmen),	June 19, 1906.
Laymon Cox, (Misc.Choc.)	January 21, 1907.
K. Dunn, (Misc. Choc.),	January 21, 1907.
Sam H. Williams, et al. (Misc. Choc.)	January 21, 1907.
James Edwards,	November 20, 1906.
Savannah McDonald, et al.,	November 26, 1906
Colbert Pleasumbbe,	November 27, 1906.
Vota Wagner et al.,	November 26, 1906.
Flora Savannah Mauldin,	November 27, 1906.
Benjamin Franklin Noogle,	November 26, 1906.
Jessie Washington (Freedman),	December 21, 1906.
Mashby Lee Lane,	December 20, 1906.
Edmond Franklin Burney,	December 19, 1906.

Title of Cases.	Date of your Letter of Transmittal.
Charles Frazier (Freedman),	June 13, 1906.
Joe Gardner, (Freedman),	June 15, 1906.
Mattie Graham (Freedman),	June 9, 1906.
Lavicy Washington (Freedman),	June 16, 1906.
Willie Arrena Maggs,	December 20, 1906.
Jesse Edward Commers,	December 20, 1906.
Samuel Sydney Burris (Jr.),	December 20, 1906.
Claude Franklin Catlin et al.,	June 15, 1906.
Jimmie Brooks et al.,	June 15, 1906.
Della Carder, et al.,	August 4, 1906.
Eddie Lee Walker, et al.,	June 21, 1906.
Crawford Stidham,	June 21, 1906.
Robert Joseph Kelly,	June 21, 1906.
Georgia E. Wilson et al.,	June 21, 1906.
Ellen A. Dunn et al.,	August 10, 1906.
Savannah Elsie DeLaughter et al.,	June 21, 1906.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

36 inc. and 76 inc.
to Ind. Of. with copy
hereof.

A.F.Mc.
2-27-07.

LAND
92849-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

C O P Y.

February 19, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Frank Delmer Jones as a citizen of the Choctaw Nation, including decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, adverse to the applicant.

The record shows that on May 28, 1906 application was made to the Commissioner to the Five Civilized Tribes for the enrollment of this applicant as a citizen of the Choctaw Nation. The record further shows that Frank Delmer Jones was born January 6, 1906, and is the son of Frank C. Jones and Sarah J. Jones, who were denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on June 29, 1904/

This case doesnot come within the Lula West case approved by the Department February 10, 1905, (I.T.D. 10363-1904).

By reason of the provisions of the Act of Congress approved April 26, 1906 (34 Stat.L., 137), the Office concurs in the decision of Commissioner Bixby denying the enrollment of the applicant herein as a citizen of the Choctaw Nation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner /

KHM-LC..

23-963

Muskogee, Indian Territory, April 8, 1907.

Frank C. Jones

Ada, Indian Territory.

Dear Sir:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of October 20, 1906, denying the application for the enrollment of Frank Delmer Jones as a citizen of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.
Commissioner.

23-963

Muskogee, Indian Territory, April 8, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of October 20, 1906, denying the application for the enrollment of Frank Delmer Jones as a citizen of the Choctaw Nation.

Respectfully,

Tno. D. Rogers.

Commissioner.

7-5155

Muskogee, Indian Territory, June 2, 1906.

Frank C. Jones,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Sarah J. Jones [illegible] the birth of Frank Delmer Jones, child of Frank C. and Sarah J. Jones, January 6, 1906.

Respectfully,

Commissioner.

Choc. Minor 964

Vera Bleavens
Nora Bleavens

M964

Decline to receive 2-18-07.
Record forwarded Dept. 2-18-07.
Action approved by Secretary of Interior 3-2-07.
Notice of Dept. action forwarded attorneys for Choc. + Chick. Nations 4-2-07.
Notice of Dept. aation mailed applicant 4-2-07.

United- States of America.

Central Judicial District Indian Trty,

Application of Vera and Nora Bleving for enrollment as members of the Choctaw tribe of Indians.

To Hon Tams Bixby, Commissioner.

Your petitioners Vera and Nora Bleavens on oath state that they are both Choctaws by blood and are the Daughters of Alex Bleavens of South-McAlester I -T who is a member of said tribe and is enrolled as such member, that they were born in lawful wedlock in the town of South -McAlester, and resided there until the death of our mother Rily Bleavens, that after that date we were taken by some of our mothers relations to raise, and being young and under age we did not know our rights to enrollment until within the last few months. our ages now are as follows Vera Bleavens 15 years of age. Nora Bleavens 13 years of age. We both now reside near Antlers Indian Territory. We claim our right to enrollment under our Father Alex or Alexander Bleavens, who we are informed is on the Rolls as a member of said Choctaw tribe of Indians. The reason that we have not heretofore made this application is that we were Minors and uninformed as to our rights in this matter of enrollment as members of our tribe.

We respectfully ask that we be given a hearing, and that on the trial of this case that we be allowed to introduce proof of our right by our said Father Alex Bleavens, and such otherproof that will fully identify us as such members of said Tribe.

Vera Bleavens

Nora Bleavens

I Vera Bleavens on oath state that the matters and things set fourth in the above and foregoing application are with my own knowledge true and correct, and true.

Vera Bleavens

SEAL

My Commission Expires Dec 16th 1908

Eugene Easton

:etary-Public

I certify that the corrected spelling of the name Bleavens was made at the request of affiant

Eugene Easton Nety

P. O.

Antlers I. T.

23-964. O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Vera Bleavens, et al., as citizens by blood of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on July 25, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Vera Bleavens and Nora Bleavens as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein that said applicants were born in the year 1891 and 1893, respectively, and are the children of Alexander Bleavens, an alleged Choctaw by blood, and Rily Bleavens, a non-citizen.

It does not appear from the records in the possession of this office that any application has ever been made for the enrollment of either of said applicants prior to the filing of the application herein. Neither does it appear that either of the parents of said applicants has ever been enrolled as a citizen of the Choctaw Nation, nor had an application pending for enrollment as such on April 26, 1906.

Section Two of the Act of Congress approved April 26, 1906 (34 Stats., 137), provides:

> "That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof . . . . . "

I am, therefore, of the opinion that under the provisions of law above quoted, I am without authority to receive or consider or make any record of any application for the enrollment of Vera Bleavens and Nora Bleavens as citizens by blood of the Choctaw Nation; that I should decline to receive or consider the same, and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

FEB 18 1907

23-964

COPY

Muskogee, Indian Territory, February 18, 1907.

Alex Bleavens,

Antlers, Indian Territory.

Dear Sir:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 18, 1907, declining to receive or consider the application for the enrollment of Vera Bleavens and Nora Bleavens as citizens by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

23-964.
Registered.

23-964

COPY

Muskogee, Indian Territory, February 18, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 18, 1907, declining to receive or consider the application for the enrollment of Vera Bleavens and Nora Bleavens as citizens by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

23-964.

COPY

Muskogee, Indian Territory, February 18, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Vera Bleavens and Nora Bleavens as citizens by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated February 18, 1907, declining to receive or consider said application.

Respectfully,

SIGNED Tams Bixby

Commissioner.

23-964.
Through the
Commissioner of Indian Affairs.

D.C.12624
L.R.S.

J.P.
O.K.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D.
6076, 6096, 6126, 6148-07.
6182, 6778, 6808, 6832-07.
6836, 6840, 6842, 6844-07.
6850, 6852, 6856, 6858-07.
6866, 6870, 6882, 6884-07.
6894, 6900, 6950, 6954-07.
6958, 6964, 6966, 6968-07.

March 2, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

Title of Case.	Date of Your Letter of Transmittal.
Cye Richardson, Jr., (Freedman),	February 14, 1907.
Ernest and Willie Lee Draper (Freedmen),	February 14, 1907.
Mary Derris Clayton,	February 19, 1907.
Alexander Harland (Freedman),	February 13, 1907.
Earnest and Louis Fields (Freedmen),	February 13, 1907.
Claud Wald Thompson (Freedman),	February 13, 1907.
Levie Freeny (Freedman),	February 15, 1907.
Kate D. Johnson (Miss. Choc.),	February 20, 1907.
John Littlejohn et al. (Freedmen),	February 23, 1907.
Tobias Louis and James Russell (Freedmen),	February 19, 1907.
Richman Hensley, (Freedman),	February 18, 1907.
Mary Plummer,	February 14, 1907.
Zach Alton Galloway,	February 21, 1907.
Riley Cole (Freedman),	February 19, 1907.
Albert P. and Edith Ford,	February 21, 1907.
Blanch Estella Autrey et al.,	February 21, 1907.
Paul Jones,	February 21, 1907.

Title of Case.	Date of Your Letter of Transmittal.
Frances and Viola Brannon (Freedmen),	February 14, 1907.
Mattie Smith (Freedman),	February 19, 1907.
Sue Williams (Freedman),	February 25, 1907.
William J. Manley,	February 21, 1907.
Vera and Nora Blevens,	February 18, 1907.
Annie Harkins (Freedman),	February 14, 1907.
Francis York,	February 21, 1907.
J. W. Huffman, wet al.,	February 15, 1907.
Sam W. and Joe A. Potts,	February 19, 1907.
Eva Wright,	November 20, 1906.
Thomas H.?Starks, (intermarried),	February 19, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

28 inc. and 56 ins.
for Indian Office.

W.C.P.
3-3-07.

LAND
18336-1907.

COPY .

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed report of Commissioner Bixby, dated February 18, 1907, transmitting the record relative to the application for the enrollment of Vera and Nora Beavens, as citizens by blood of the Choctaw Nation, including the decision of the Commissioner, dated February 18, 1907, adverse to the applicants.

The decision of the Commissioner has been examined, and found to be correct, and its approval is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HRD-LC..

23-964

Muskogee, Indian Territory, April 2, 1907.

Alex Bleavens,

Antlers, Indian Territory.

Dear Sir:

You are hereby advised that on March 2, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered February 18, 1907, declining to receive or consider the application for the enrollment of Vera Blevens and Nora Blevens as citizens by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

23-964

Muskogee, Indian Territory, Aprul 2, 1907.

Mansfield, McMurray & Cornish,
Attorneys for Chootaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 2, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered February 18, 1907, declining to receive or consider the application for the enrollment of Vera Bleavens and Nora Bleavens as citizens by blood of the Chootaw Nation.

Respectfully,

Geo. D. Rogers.
Acting Commissioner.

2929-1907
23-964

Muskogee, Indian Territory, August 3, 1907.

Mrs. Martha Stewart,

Hugo, Indian Territory.

Dear Madam:

Your letter of July 15, 1907, addressed to the United States Indian Agent has been by him referred to this office for appropriate action. Therein you request to be advised if there is a person on the rolls by the name of Elicke Bleavins and also whether application has been made for the enrollment of your grandchildren Vara Cullin and Nora Bleavins.

In reply to your letter you are advised that it does not appear from the records of this office that application has been made for the enrollment of Elicke Bleavins as a citizen of the Choctaw or Chickasaw Nations. It appears, however, that on July 25, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Vera and Nora Bleavins as citizens of the Choctaw Nation. On February 18, 1907, the Commissioner declined to receive said application and this action was approved by the Secretary of the Interior March 2, 1907.

Respectfully,

Commissioner.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



Alex Ple[illegible],



Choc. Minor 965

Susan A. Baird

M965

Decline to receive 2-15-1907.

Copy of decision forwarded applicant 2-15-07.

Copy of decision forwarded attorneys for Choc. and Chick. Nations 2-15-07.

Record forwarded Dept. 2-15-07.

Action approved by Secretary of Interior 3-2-07.

Notice of Dept. action forwarded attorneys for Choc. + Chick. Nations 4-12-07.

Notice of Dept. action mailed applicant 4-12-07.

23-965

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Susan A. Baird

as a citizen of

Choctaw Nation.

Approved..... 190...

.....

Commissioner.

Born Oct. 28-1903

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Susan A. Baird [Here insert name of child] born on the 28 day of October 1903.

Name of Father: C. L. Baird a citizen of the United States Nation.

Name of Mother: Mary P. Baird, nee Tidwell a citizen of the Choctaw Nation.

Tribal enrollment of father Choctaw Tribal enrollment of mother

Postoffice Byars, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Mary P. Baird, nee Tidwell on oath state that I am 23 years of age and a citizen by Blood of the Choctaw Nation; that I am the lawful wife of C. L. Baird, who is a citizen, by , of the United States Nation; that a Girl [Male or Female] child was born to me on 28 day of Oct. 1903.; that said child has been named Susan A. Baird and was living March 4, 1906.

Mary P. Baird

SEAL

WITNESSES TO MARK:

[Must be Two Witnesses] { }

Subscribed and sworn to before me this 15 day of May 1906.

C. P. Goggard
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Alba L. Baird a Midwife, on oath state that I attended on Mrs. Mary P. Baird, nee Tidwell wife of C. L. Baird on the 28 day of Oct. 1903; that there was born to her on said date a Girl [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Susan A. Baird

Alba L. Baird

WITNESSES TO MARK:

[Must be Two Witnesses] { }

SEAL

Subscribed and sworn to before me this 15 day of May 1906.

C. P. Goggard
Notary Public.

23-965.
O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Susan A. Baird as a citizen of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein that on May 15, 1906, written application was received by the Commissioner to the Five Civilized Tribes for the enrollment of Susan A. Baird as a citizen of the Choctaw Nation.

It further appears from the record herein that Susan A. Baird was born October 28, 1903 and is the child of C. L. Baird and Mary P. Baird.

It does not appear from the records in the possession of this office that any application has ever been made for the enrollment of C. L. Baird or Mary P. Baird as citizens of the Choctaw Nation.

Section two of the Act of Congress approved April 26, 1906 (34 Stats., 137) provides:

> "That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications pending at the approval hereof, and for the purpose of enrollment under this section illegitimate children shall take the status of the mother, and allotments shall be made to children so enrolled."

I am of the opinion that inasmuch as the parents of the applicant, Susan A. Baird, had not been finally enrolled or had applications pending for enrollment as citizens of the Choctaw Nation at the date of the approval of the above act, I am without authority to receive or consider or make any record of any application for the enrollment of said applicant as a citizen of the Choctaw Nation and that I should decline to receive or consider the same, and it is so ordered.

Commissioner.

Muskogee, Indian Territory,
FEB 1 1907

23-965.

COPY

Muskogee, Indian Territory, February 15, 1907.

C. L. Baird,

Eyars, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 15, 1907, declining to receive or consider the application for the enrollment of Susan A. Baird as a citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.
Incl. 23-965.

23-965

COPY

Muskogee, Indian Territory, February 15, 1907.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw & Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 15, 1907, declining to receive or consider the application for the enrollment of Susan A. Baird as a citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 23-965.

COPY

Muskogee, Indian Territory, February 18, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Susan A. Baird as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated February 15, 1907, declining to receive or consider said application.

Respectfully,

SIGNED Tams Bixby

Commissioner.

2 Incl. 23-965.

Through the
Commissioner of Indian Affairs.

JP.
O.K.

D. C. 12633-1907.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. March 2, 1907.

LRS.
I. T. D.
6196,6216,6220,6224-07.
6236,6246,6266,6272-07.
6286,6288,6290,6302-07.
6306,6478,6480,6486-07.
6492,6506,6508,6514-07.
6518,6530,6532,6536-07.
6672,6674,6688,6692-07.
6696,6700,6704,6722-07.
6724,6734,6736,6740-07.
6742,6758, 6782-07.
6786,6788,6796-07.
6798,6806,6816,6826-07.
6828,6830-07.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.	Title of Your Letter of Transmittal.
Richard Floyd (Freedman)	February 13, 1907.
Dave and Addie May Bailey (Freedmen)	February 13, 1907.
Arishia and Larce McKinney (Freedmen),	February 16, 1907.
Nonie Cochran (Freedman),	February 13, 1907.
Nancy Cole and Lina Ellen Cole (Freedmen),	February 14, 1907.
M. C. Neale, et al.,	February 14, 1907.
Nasell and Lavster Artry, (Freedmen),	February 14, 1907.
Nellie J. Gideon et al.,	December 28, 1906.
Emma and Evaline Jackson,	February 14, 1907.
Ida Bell Bennett,	February 15, 1907.

Title of Case.	Date of your letter of transmittal.
Memie Warner, et al., (Freedmen),	February 16, 1907.
Katie Simpson, et al.,	February 16, 1907.
Raymond Henry Davis,	February 14, 1907.
Nancy T. Wilson, et al. (Miss. Choc.),	February 12, 1907.
J. M. Hill and Newton Hill,	January 25, 1907.
Flora Lee Spring (Freedman)	February 12, 1907.
William Edgar and Oscar Jeffreys, (Miss. Choc.),	February 11, 1907.
Celestine Pierce (Freedman),	February 13, 1907.
Hisk Cubit (Freedman),	February 13, 1907.
Lucretia Hadnot, et al.,	February 15, 1907.
Susan A. Baird,	February 15, 1907.
William Allen Gee (Miss. Choc.),	February 12, 1907.
Ella Williams (Freedman),	February 13, 1907.
Ida Colbert,	February 12, 1907.
Mable Everidge (Freedman),	February 15, 1907.
Dockie May Mabrie (Freedman),	February 15, 1907.
Cornelious and Vaneda Riddle (Freedmen),	February 15, 1907.
Jimmie Lee Alexander (Freedman),	February 13, 1907.
Fred M. Patterson et al.,	February 15, 1907.
Ed Childers et al., (Freedmen),	February 12, 1907.
Lizzie Dennis (Freedman)	February 15, 1907.
Mellen D'Grace McMurty,	February 12, 1907.
Mable Bailey and Susa Anna Bailey (Freedmen)	February 13, 1907.
John Louis (Freedman),	February 15, 1907.
Amanda Mutchy, (Freedman),	February 15, 1907.
Watt Davis, et al.,	February 15, 1907.
Marjie Record (Freedman),	February 15, 1907.
Laura Henry (Freedman),	February 14, 1907.
Ollie Webster (Freedman),	February 15, 1907.
James McCall,	February 15, 1907.
Nellie Elizabeth Kendrick (Freedman),	February 15, 1907.
Elwood Judy (Freedman),	February 15, 1907.
Oscar Brown (Freedman),	February 15, 1907.
Verna Vernita Bryant,	February 13, 1907.
Richard R. Perry (Freedman),	February 15, 1907.
James Luke Tubbee (Miss. Choc.),	February 20, 1907.
Minnie Berryman (Miss. Choc.)	February 20, 1907.
Ethel Rogers (Miss. Choc.),	February 20, 1907.

A copy hereof and all the papers in the above mentioned

cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary,
WOF. 3-3-07.

48 ins. and 96 ins.
for Ind. Of.

946/334
Refer in reply to the following:

DEPARTMENT OF THE INTERIOR,

LAND
17174-1907.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

February 27, 1907.

C O P Y

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Susan A. Baird as a citizen of the Choctaw Nation, including the decision of Commissioner Bixby, dated February 15, 1907, adverse to the applicant.

The decision of Commissioner Bixby has been examined, is found to be correct, and it is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBM-LC.

23-965

Muskogee, Indian Territory, April 12, 1907.

C. L. Baird,

Byars, Indian Territory.

Dear Sir:

You are hereby advised that on March 2, 1907, the Secretary of the Interior affirmed the decision of this office of February 15, 1907, declining to receive or consider the application for the enrollment of Susan A. Baird as a citizen of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

28-965

Muskogee, Indian Territory, April 12, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 2, 1907, the Secretary of the Interior affirmed the decision of this office of February 15, 1907, declining to receive or consider the application for the enrollment of Susan A. Baird as a citizen of the Choctaw Nation.

Respectfully,

Geo. D. Powers.

ACTING Commissioner.

Muskogee, Indian Territory, June 18, 1906.

C. P. Hoggard,

Byars, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 15, 1906, inclosing affidavits of Mary P. Baird and Alba L. Baird, to the birth of Susan A. Baird, child of C. L. Baird and Mary P. Baird nee Tidwell, October 28, 1903.

It is stated in the affidavit of the mother that she is a citizen by blood of the Choctaw Nation. If this is correct you are requested to give the names of her parents, the time and place application was made for her enrollment, and if she has selected an allotment of the lands of the Choctaw or Chickasaw Nation give her roll number as it appears upon her allotment certificate.

Respectfully,

Commissioner.

Pauls Valley, I. T.

Jany. 15, 1907.

Commissioner To Five Tribes,

Muskogee, I. T.

Dear Sir:

In the matter of the application for enrollment as a citizen of the Choctaw Nation of Susan A. Baird, minor child of C. L. Baird and Mary P. Baird nee Tidwell, you are advised that I have seen the parents of this child, and the mother states that she is what is commonly known a "Court Claimant" and that she has never been approved as a citizen of the Choctaw or Chickasaw Nations; that her application for enrollment as a citizen of the Choctaw Nation was made through her father, J. A. Tidwell, who is also a "Court Claimant," and whose enrollment has never been approved.

C. L. Baird states that he has never made application, in any form, as a citizen of any of the Nations of the Five Tribes.

The data in this case is returned herewith.

Very Resp.

Andrew Gardenhire.

Choc. Minor 966

Emma Jackson

Evaline "

Decline to receive 2-14-07.

Record forwarded Dept. 2-14-07.

Action approved by Secretary of Interior 3-2-07.

Notice of Dept. action forwarded attorneys for Choc. + Chick Nations 4-12-07.

Notice of Dept. action mailed applicant 4-12-07.

M966

83-966

(190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Emma Jackson

as a citizen of

Chickasaw Nation.

Approved ..... 190...

..... Commissioner.

Born Jan. 17-1904

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Emma Jackson [Here insert name of child] born on the 17 day of January 1904

Name of Father: James Jackson a citizen of the Choctaw Nation.

Name of Mother Amanda Jackson a citizen of the Choctaw Nation.

Tribal enrollment of father application now pending before Choctaw commissioner Tribal enrollment of mother application now pending before commissioner Choctaw

Postoffice Wynnewood, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, Southern District.

I, Amanda Jackson on oath state that I am 27 years of age and a citizen by Blood of the Choctaw Nation; that I am the lawful wife of James Jackson, who is a citizen, by Blood of the Choctaw Nation; that a female [Male or Female] child was born to me on 17th day of January 1904.; that said child has been named Emma Jackson and was living March 4, 1906.

Amanda Jackson

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 24 day of May 1906.

SEAL

Frank L. Robinson
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, Southern District.

I, H. C. Bailey a physician, on oath state that I attended on Amanda wife of James Jackson on the 17th day of January 1904 that there was born to her on said date a female [Male or Female] child: that said child was living March 4, 1906, and is said to have been named Emma Jackson

H. C. Bailey, M. D.

WITNESSES TO MARK:

[Must be Two Witnesses]

SEAL

Subscribed and sworn to before me this 24th day of May 1906.

Frank L. Robinson
Notary Public.

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Evaline Jackson

as a citizen of

Choctaw Nation.

Approved..... 190...

.....
Commissioner.

Born March 5--1905

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Evaline Jackson [Here insert name of child] born on the 5 day of March 1905 application pending before commission

Name of Father: James Jackson a citizen of the Choctaw Nation.

Name of Mother: Amanda Jackson application pending before commission a citizen of the Choctaw Nation.

Tribal enrollment of father: Choctaw Tribal enrollment of mother:

Postoffice Wynnewood, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, Southern District.

I, Amanda Jackson, on oath state that I am 27 years of age and a citizen by Blood, of the Choctaw Nation; that I am the lawful wife of James Jackson, who is a citizen, by Blood, of the Choctaw Nation; that a female [Male or Female] child was born to me on 5th day of March 1905; that said child has been named Evaline Jackson and was living March 4, 1906.

Amanda Jackson

SEAL

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 24 day of May 1906.

Frank L. Robinson
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, District.

I, N. C. Bailey, a Physician, on oath state that I attended on Amanda Jackson wife of James Jackson on the 5-th day of March 1905; that there was born to her on said date a female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Evaline Jackson

N. C. Bailey M. D.

SEAL

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 24 day of May 1906.

Frank L. Robinson
Notary Public.

23-966. O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emma Jackson, et al., as citizens of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on July 23, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Emma Jackson and Evaline Jackson as citizens of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats, 137).

It further appears from the record herein that said applicants were born on January 17, 1904, and March 5, 1905, respectively, and are the children of James Jackson and Amanda Jackson, neither of whom has been enrolled as a citizen of the Choctaw Nation, nor had an application pending for enrollment as a citizen of the Choctaw Nation on April 26, 1906.

Section Two of the Act of Congress approved April 26, 1906 (34 Stats., 137), provides:

> "That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof . . . . . ."

I am, therefore, of the opinion that under the provisions of law above quoted, I am without authority to receive or consider or make any record of any application for the enrollment of Emma Jackson and Evaline Jackson as citizens of the Choctaw Nation, and that I should decline to receive the same, and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

FEB 14 1907

Muskogee, Indian Territory, August 23, 1906.

James Jackson,

Wynnewood, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 21, 1906 inclosing affidavits of Amanda Jackson and H. C. Bailey to the birth of Emma Jackson and Evaline Jackson, children of James Jackson and Amanda Jackson, January 17, 1904 and March 5, 1905.

It is stated in the affidavit of the mother that you and she are both citizens by blood of the Choctaw Nation. If this is correct you are requested to give the names of your parents, the time and place application was made for your enrollment, and if you have selected an allotment of the lands of the Choctaw or Chickasaw Nations give your roll numbers as they appear upon your allotment certificates.

Respectfully,

Commissioner.

23-966.

COPY

Muskogee, Indian Territory, February 14, 1907.

James Jackson,

Wynnewood, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 14, 1907, declining to receive the application for the enrollment of Emma Jackson and Evaline Jackson as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl. 23-966

23-966

COPY

Muskogee, Indian Territory, February 14, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 14, 1907, declining to receive the application for the enrollment of Emma Jackson and Evaline Jackson as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Dixby

Commissioner.

Incl.

23-966

COPY

Muskogee, Indian Territory, February 14, 1907.

The Honorable,

The Secretary of the Interior:

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Emma Jackson and Evaline Jackson as citizens of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated February 14, 1907, declining to receive said application.

Respectfully,

SIGNED Tams Bixby

Commissioner.

2 Incl.

Through the
Commissioner of Indian Affairs.

JP.
O. K.

D. C. 12633-1907.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. March 2, 1907.

LRS.
I. T. D.
6194,6216,6220,6224-07.
6236,6246,6266,6272-07.
6286,6288,6290,6302-07.
6306,6478,6480,6486-07.
6492,6506,6508,6514-07.
6518,6530,6532,6538-07.
6672,6674,6688,6692-07.
6696,6700,6704,6720-07.
6724,6734,6736,6740-07.
6742,6758, 6782-07.
6786,6788,6796-07.
6798,6806,6816,6826-07.
6828,6830-07.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

Title of Case.	Title of Your Letter of Transmittal.
Richard Floyd (Freedmen)	February 13, 1907.
Dave and Addie Way Bailey (Freedmen)	February 13, 1907.
Archie and Lacie McKinney (Freedmen)	February 16, 1907.
Nenie Cochran (Freedmen)	February 13, 1907.
Harvey Cole and Lina Ellen Cole (Freedmen)	February 14, 1907.
R. C. Veale, et al.,	February 14, 1907.
Wassil and Laveter Artry (Freedmen)	February 14, 1907.
Nellie J. Gideon, et al.,	December 28, 1906.
Emma and Evaline Jackson,	February 14, 1907.
Ida Bell Bennett,	February 13, 1907.

Title of Case.	Date of your Letter of Transmittal.
Vennie Warner, et al., (Freedmen)	February 16, 1907.
Katie Simpson, et al.,	February 16, 1907.
Raymond Henry Davis,	February 14, 1907.
Nancy T. Wilson, et al., (Miss. Choc.)	February 12, 1907.
J. H. Hill and Newton Hill,	January 25, 1907.
Flora Lee Spring (Freedman)	February 12, 1907.
William Edgar and Oscar Jeffreys, (Miss. Choc.),	February 11, 1907.
Celestine Pierce (Freedman)	February 13, 1907.
Risk Cubit (Freedman)	February 13, 1907.
Lucretia Hadnot, et al.,	February 15, 1907.
Susan A. Baird,	February 15, 1907.
William Allen Gee (Miss. Choc.),	February 12, 1907.
Nila Williams (Freedman),	February 13, 1907.
Ida Colbert,	February 12, 1907.
Mable Everidge (Freedman),	February 15, 1907.
Dookie May Mabrie (Freedman)	February 15, 1907.
Cornelious and Vaneda Riddle (Freedmen)	February 15, 1907.
Jimmie Lee Alexander (Freedman)	February 13, 1907.
Fred M. Patterson et al.,	February 15, 1907.
Ed Childers, et al., (Freedmen),	February 12, 1907.
Lizzie Dennis (Freedman),	February 15, 1907.
Hellen D'Grace McMurty,	February 12, 1907.
Mable Bailey and Susa Anna Bailey (Freedmen)	February 13, 1907.
John Louis (Freedman)	February 15, 1907.
Amanda Mutchy, (Freedman)	February 16, 1907.
Watt Davis, et al.,	February 15, 1907.
Marjie Record (Freedman)	February 15, 1907.
Laura Henry (Freedman)	February 14, 1907.
Ollie Webster (Freedman)	February 15, 1907.
James McCall,	February 15, 1907.
Nellie Elizabeth Kendrick (Freedman),	February 15, 1907.
Elwood Judy (Freedman),	February 15, 1907.
Oscar Brown (Freedman),	February 15, 1907.
Verna Vernita Bryant,	February 13, 1907.
Richard R. Perry (Freedman),	February 15, 1907.
James Lake Tubbee (Miss. Choc.)	February 20, 1907.
Elmina Berryman (Miss. Choc.),	February 20, 1907.
Ethel Rogers (Miss. Choc.),	February 20, 1907.

A copy hereof and all the papers in the above mentioned

cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

WCF. 3-3-07.

48 ins. and 96 ins.
for Ind. Of.

947/301
Refer in reply to the following: COPY

DEPARTMENT OF THE INTERIOR,

Land
16302-1907. OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby, dated February 14, 1907, transmitting the record, relative to the application of Emma and Evaline Jackson for enrollment as citizens by blood of the Choctaw Nation, including the decision of the Commissioner, dated February 14, 1907, adverse to the applicants.

The decision of the Commissioner has been examined and found to be correct and the same is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

H.R.D. -ML

23-966

Muskogee, Indian Territory, April 12, 1907.

James Jackson,

Wynnewood, Indian Territory.

Dear Sir:

You are hereby advised that on March 8, 1907, the Secretary of the Interior affirmed the decision of this office of February 14, 1907, declining to receive the application for the enrollment of Emma Jackson and Evaline Jackson as citizens of the Choctaw nation.

Respectfully,

Geo. D. Rodgers.

ACTING Commissioner.

23-966

Muskogee, Indian Territory, April 12, 1907.

Mansfield, Murray & Cormish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 2, 1907, the Secretary of the Interior affirmed the decision of this office of February 14, 1907, declining to receive the application for the enrollment of Emma Jackson and Evaline Jackson as citizens of the Choctaw Nation.

Respectfully,

Geo. D. Rogers,

ACTING Commissioner.

Choc. Minor 967

Oscar G. Askew

Vernice Askew

M967

Refused 10-23-1906.

Record forwarded Dept. 10-24-06.

Action approved by Secretary of Interior 3-4-07.

Notice of Dept. action forwarded attorneys for Choc. + Chick. Nations 4-22-07.

Notice of Dept. action forwarded attorney for applicant 4-22-07.

Notice of Dept. action mailed applicant 4-22-07.

Notices and decisions in 7-5200.

New Born 907

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Oscar G. Askew

as a citizen of

Choctaw Nation.

Approved..... 190...

.....
Commissioner.

Born Dec. 22, 1902

Act of Congress approved April 26, 1906.

Department of the Interior,
Commissioner to the Five Civilized Tribes.
FILED Jul 26 1906
(Stamped) Tams Bixby, Commissioner.

Choctaw
7-5200

Received
Jul 19 1906

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Oscar S. Askew, born on the 22nd day of December 1902.
[Here insert name of child]

Name of Father: Dallas A. Askew a citizen of the Choctaw Nation.

Name of Mother: Carrie M. Askew a citizen of the U.S. Nation.

Tribal enrollment of father Choctaw Tribal enrollment of mother U.S.

Postoffice Willis, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, Carrie M. Askew, on oath state that I am 20 years of age and a citizen by marriage, of the Choctaw Nation; that I am the lawful wife of Dallas A. Askew, who is a citizen, by blood, of the Choctaw Nation; that a male [Male or Female] child was born to me on 22end day of December, 1902; that said child has been named Oscar Gilbert Askew and was living March 4, 1906.

Carrie M. Askew

WITNESSES TO MARK:

[Must be Two Witnesses] .....

.....

Subscribed and sworn to before me this 2end day of July 1906.

(Seal) (Signed) C. H. Thomas
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, J. P. Collins, a physician, on oath state that I attended on Carrie M. Askew, wife of Dallas A. Askew on the 22end day December 1902; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Oscar Gilbert Askew

(Signed) Dr. J. P. Collins

WITNESSES TO MARK:

[Must be Two Witnesses] .....

.....

Subscribed and sworn to before me this 3rd day of July 1906.

(Seal) (Signed) C. H. Thomas
Notary Public.

New Born 967
1906

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....Vernice Askew.....

as a citizen of

..... Choctaw ..... Nation.

Approved..... 190...

.....

Commissioner.

Born July 11, 1905

Act of Congress approved April
26, 1906.

Department of the Interior
Commissioner to the Five Civilized Tribes
FILED Jul 25 1906
(Stamped) Tams Bixby
Commissioner.

Choctaw 967
7-5200

Received
Jul 19 1906

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Vernie Askew [Here insert name of child] born on the 11th day of July 1906.

Name of Father: Dallas A. Askew a citizen of the Choctaw Nation.

Name of Mother: Carrie M. Askew a citizen of the U. S. Nation.

Tribal enrollment of father Choctaw Tribal enrollment of mother U. S.

Postoffice Willis, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Carrie M. Askew, on oath state that I am 20 years of age and a citizen by marriage, of the Choctaw Nation; that I am the lawful wife of Dallas A. Askew, who is a citizen, by blood, of the Choctaw Nation; that a male [Male or Female] child was born to me on 11th day of July 1906.; that said child has been named Vernie Askew and was living March 4, 1906.

(Signed) Carrie M. Askew

WITNESSES TO MARK:

[Must be Two Witnesses] .....

.....

Subscribed and sworn to before me this 2nd day of July 1906.

(Seal) (Signed) C. H. Themes

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, C. W. Rowland, a physician, on oath state that I attended on Carrie M. Askew, wife of Dallas A. Askew on the 11th day of July 1906.; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Vernie Askew

.....

(Signed) C. W. Rowland

WITNESSES TO MARK:

[Must be Two Witnesses] .....

.....

Subscribed and sworn to before me this 2nd day of July 1906.

(Seal) (Signed) C. H. Themes

Notary Public.

C-105
7-5073
5074
5106
5122
5123
5196
5197
5200
5201
5214

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Newt Askew, et al., as citizens of the Choctaw Nation.

DECISION.

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes at Ardmore, Indian Territory, September 23, 1898, by Newt Askew, for the enrollment of himself, his wife, Nancy M. Askew, William H. Askew, Henry R. Askew, Elizabeth V. Askew, Dallas A. Askew and Roxy C. Askew, children of said Newt Askew and Nancy M. Askew, as citizens by blood of the Choctaw Nation; that on April 10, 1900, written application was made for the enrollment of Alpha Marie Hefner as a citizen by blood of the Choctaw Nation; that on April 11, 1902, written application was made for the enrollment of Julius Edward Askew as a citizen by blood of the Choctaw Nation; that on April 25, 1902, written application was made for the enrollment of Nancy Ann Hefner as a citizen by blood of the Choctaw Nation; that application was made by William Q. Askew at Ardmore, Indian Territory, September 22, 1898, for the enrollment of himself and minor children, Mattie Askew, Ellen Askew and Tom Askew as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Martha Askew, as a citizen by intermarriage of said nation; that application was made by Rebecca Askew at Ardmore, Indian Territory, September 23, 1898, for the enrollment of herself as a citizen by blood of the Choctaw Nation; that application was made by William T. Askew at Ardmore, Indian Territory, September 22, 1898, for the enrollment of himself and minor children, Thane Askew, Perry Askew, Tommy Askew, Lillie Askew, Gilbert Askew and Lizzie Askew as citizens by blood of the Choctaw Nation; and for the enrollment of his wife, Bettie Askew, as a citizen by intermarriage of said nation; that on October 13, 1900, written application was made for the enrollment of Ethel Askew, minor daughter of said William T. Askew and Bettie Askew, as a citizen by blood of the Choctaw Nation; that on August 16, 1902, written application was made for the enrollment of Robert Askew, minor son of the said William T. Askew and Bettie Askew, as a citizen by blood of the Choctaw Nation; that on November 30, 1900, written application was made for the enrollment as a citizen by blood of the Choctaw Nation of Robert Floy Shipman, minor child of Thane Shipman, (nee Askew), by her husband, T.D. Shipman; that application was made by Mary E. Jackson at Ardmore, Indian Territory, September 23, 1898, for the enrollment of herself and her minor children, Taylor F. Jackson, Alma Jackson, Charley Jackson, Reese Jackson and Ethel Jackson, as citizens by blood of the Choctaw Nation; that application was made by Mary C. Brewer at Ardmore, Indian Territory, September 23, 1898, for the enrollment of herself and minor children, Emma Brewer and Elmer Brewer, as citizens by blood of the Choctaw Nation;

that on December 18, 1899, written application was made for the enrollment of the applicant, Mary B. Brewer, minor daughter of said Mary C. Brewer and O. F. Brewer, as a citizen by blood of the Choctaw Nation; that application was made by George W. Askew at Ardmore, Indian Territory, September 22, 1898, for the enrollment of himself and minor children, Sophia Askew and Alice Askew, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Dora Askew, as a citizen by intermarriage of said nation; that application was made by Martha E. Turner, at Ardmore, Indian Territory, September 23, 1898, for the enrollment of herself as a citizen by blood of the Choctaw Nation; that application was made by Sam Askew at Ardmore, Indian Territory, September 23, 1898 for the enrollment of himself as a citizen by blood of the Choctaw Nation, and for the enrollment of his wife, Lena Askew, as a citizen by intermarriage of said nation; that on March 2o, 1900, written application was made for the enrollment of Frankie Beatrice Askew, minor daughter of Sam Askew and Lena Askew, as a citizen by blood of the Choctaw Nation; that on April 2, 1901 written application was made for the enrollment of Leo Askew, minor son of Sam Askew and Lena Askew, as a citizen by blood of the Choctaw Nation; that application was made by John Askew, at Ardmore, Indian Territory, September 23, 1898 for the enrollment of himself as a citizenby blood of the Choctaw Nation.

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that the applicants, William Q. Askew, William T. Askew, George W. Askew, Sam Askew, Martha Askew, Mattie Askew, Ellen Askew, Tom Askew, Bettie Askew, Thane Askew, Perry Askew, Tommy Askew, Lillie Askew, Gilbert Askew, Lizzie Askew, Dora Askew and Sophia Askew were applicants to the Commission to the Five Civilized Tribes for admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats.,321); that they were denied such admission by a decision of the Commission of December 1, 1896 (1896 Choctaw Citizenship Case No. 1); that from this decision an appeal was taken to the United States Court for the Souther District of Indian Territory, which court on December 21, 1897, in the case entitled "William Q. Askew, et al. vs. Choctaw Nation", rendered a judgment reversing the decision of the Commission to the Five Civilized Tribes as to the applicants, and admitted all of said applicants to citizenship in the Choctaw Nation, except Martha Askew, Bettie Askew and Dora Askew. On March 12, 1898 said court rendered a supplemental decision in said case admitting said Martha Askew, Bettie Askew and Dora Askew to citizenship in the Choctaw Nation.

These judgments were subsequently vacated, set aside, and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nation, or Tribes, vs. J. T. Riddle, et al.".

Said cause was subsequently certified to the Choctaw and Chickasaw Citizenship Court, created by the Act of Congress approved July 1, 1902 (32 Stats.,641), for a trial de novo, and on September 19, 1904, said Citizenship Court in the case entitled "William Quint Askew et al., vs. Choctaw and Chickasaw Nations" (Choctaw Chickasaw Citizenship Court Case No. 2 Tishomingo Docket), rendered a judgment therein, wherein it was " ordered, adjudged and decreed that the petition of the plaintiffs, William Quint Askew, Martha Askew, Mattie Askew, Ellen Askew, Tom Askew, William Thomas Askew, Bettie Askew, Perry Askew, Tommie Askew, or Tommy Askew, Lily Askew or Lillie Askew, Gilbert Askew, Lizzie Askew, Thane Shipman, or Thane Askew, George Washington Askew, Dora Askew, Sophia Askew and

Sam Askew be denied, and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom."

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that under the provisions of the Act of Congress approved June 10, 1896 (29 Stats. 321), application was made to the Commission to the Five Civilized Tribes for admission to citizenship in the Choctaw Nation of the following named persons: Rebecca Askew, Johnnie Askew, Newton Askew, Nancy Malinda Askew, William Howard Askew, Henry Edward Askew, Elizabeth Viola Askew, Dallas Alexander Askew, Roxie Cordelia Askew, Mrs. May Catherine Brewer, George Brewer, Elna Brewer, Emma Brewer, Mrs. Mary Ellen Jackson, Tom Jackson, Taylor Franklin Jackson, Elmer Jackson, Charlie Jackson, Roscoe Jackson, Mrs. Martha Etta Turner, and Marshall A. Turner. All of said applicants were denied admission to citizenship in the Choctaw Nation by a judgment of the Commission on December 1, 1896 (1896 Choctaw Citizenship Case No. 2).

Said cause was subsequently appealed to the United States Court for the Southern District of Indian Territory, which Court on December 21, 1897, reversed the decision of the Commission to the Five Civilized Tribes as to certain of the applicants, and admitted the following as citizens of the Choctaw Nation: John Askew, Newt Askew, William Howard Askew, Henry Edward Askew, Elizabeth Viola Askew, Dallas Alexander Askew, Roxie Cordelia Askew, Mrs. Rebecca Askew, Mrs. Nancy Melinda Askew, Mrs. May Catherine Brewer, Emma Brewer, Elmer Brewer, Mary Ellen Jackson, Taylor Franklin Jackson, Alma Jackson, Charlie Jackson, Roscoe Jackson and Mrs. Martha Etta Turner. In addition thereto the judgment of the Court recited "It further appears that exceptions have been filed to that partof the Master's Report relating to George Brewer, Marshall Turner and Tom Jackson, and it is hereby ordered that this cause stand open as to these three parties, so that exceptions may be considered hereafter".

Said judgment was subsequently vacated, setaside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court of December 17, 1902, in the test case of "Choctaw and Chickasaw Nations, or Tribes, vs. J.T.Riddle, et al."

Said cause as to certain of the applicants was subsequently certified to the Choctaw and Chickasaw Citizenship Court, created under the Act of Congress approved July 1, 1902 (32 Stats.,641), for a trial de novo, and on September 19, 1904, in the case entitled "Newt Askew, et al., vs. Choctaw and Chickasaw Nations" (Choctaw-Chickasaw Citizenship Court Case No. 1, Tishomingo Docket), rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Newt Askew, Nancy Malinda Askew, William Howard Askew, Dallas Alexander Askew, Henry Edward Askew, Roxie Cordelia Carter (nee Askew), or Roxie Cordelia Askew, Jonnie Askew, or John Askew, Mary Catherine Brewer, or May Catherine Brewer, Emma Brewer, Elmer Brewer, Mary Ellen Jackson, Taylor Franklin Jackson, Alma Jackson, Charlie Jackson, Roscoe Jackson, Elizabeth Viola Hefner (nee Askew),or Elizabeth Viola Askew, and Rebecca Askew be denied, andthat they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom."

On November 12, 1904, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Alpha Marie Hefner, Nancy Ann Hefner, Julius Edward Askew, Mary B. Brewer, Lena Askew, Frankie Beatrice Askew, Leo Askew, Alice Askew, Ethel Askew, Robert Askew, Robert Floy Shipman, and Ethel Jackson, for the reason that the persons through whom they claimed the right to enrollment had been denied citizenship by the Choctaw and Chickasaw Citizenship Court.

On December 3, 1904, the Commission to the Five Civilized Tribes issued an order dismissing the application for the enrollment of Martha E. Turner as a citizen by blood of the Choctaw Nation in accordance with the opinion of the Acting Attorney General dated May 9, 1904 (I.T.D. 3824-1904), and the opinion of the Assistant Attorney General for the Department of the Interior dated July 30, 1904 (I.T.D.5246-1904).

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on March 14, 1906, by Thomas Norman, attorney for the petitioners, a petition praying for the enrollment of the following persons as citizens of the Choctaw Nation: Newt Askew, Nancy Malinda Askew, John Askew, Dallas Alexander Askew, Carrie Margarette Askew, Roxie Cordelia Carter (nee Askew), Marshall Turner, Mary Ellen Jackson, Tom Jackson, Taylor Jackson, Alma Jackson, Charley Jackson, Roscoe Jackson, Ethel Jackson, Viola Elizabeth Hefner, Joe Hefner, Alpha Marie Hefner, Nancy Ann Hefner, Mary Catherine Brewer, George Brewer, Emma Narcissus Brewer, Elmer Washington Brewer, Mary Belle Brewer, William Howard Askew, Tavia Askew, Julius Edward Askew, Henry Edward Askew, Rebecca Askew, William Quint Askew, Martha Askew, Mattie Askew, Ellen Askew, Tom Askew, William Thomas Askew, Bettie Askew, Perry Askew, Tom Askew, Lillie Askew, Gilbert Askew, Lizzie Askew, Ethel Askew, Robert Askew, Thaney Shipman, Floy Shipman, George Washington Askew, Dora Anderson Askew, Sophia Askew, Alice Askew, Sam Askew, Lena Askew and Leo Askew.

It is alleged in the petition that the petitioners are Choctaw descendants of Choctaw ancestry; that they took up a residence in the Indian Territory between the years 1880 and 1890, and have continued to reside in either the Choctaw or Chickasaw Nation since that time; that they claimed before and after their removal to said nations to be citizens of the Choctaw Nation by virtue of their Choctaw blood and Choctaw descent; that all their kinsfolk on Choctaw Indian side of the family, or a great many of them, are on the roll as citizens of the Choctaw Nation, that they have taken their allotment of lands and drawn their share of moneys thereof, and that their enrollment has long since been approved by the Secretary of the Interior.

The petitioners further state that among other children, an old half-blood Choctaw Indian, named Aaron Askew, had three children, two boys named Murrill and Tom, and one girl named Elizabeth, or Betty, who married a man named Douglas; that the United States Indian Agent rendered a decision about 1890, which was approved by the Choctaw Council, in which he adjudged the children of Murrill Askew to be citizens of the Choctaw Nation, all of whom are now on the approved roll of Choctaws; that in 1896 the Commission to the Five Civilized Tribes rendered a decision that the children of Elizabeth Douglas were citizens of the Choctaw Nation, and from

this decision no appeal was taken; that all of said children are on the approved Choctaw rolls; that the petitioners herein are the legitimate descendants of the other brother named Tom Askew, and that they as well as the descendants of the said Murrill Askew and Elizabeth Douglas (nee Askew) are citizens of said nation.

On July 19, 1906, written applications were made to the Commissioner to the Five Civilized Tribes for the enrollment of the following persons as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906, (34 Stats.,137): Carl Hefner, born February 23, 1906, minor child of Joe H. Hefner and Viola Hefner; Perry Q. Askew, born June 4, 1903, minor child of George W. Askew and Dora A. Askew; Oscar G. Askew, born December 22, 1902, and Vernie Askew, born July 11, 1905, minor children of Dallas A. Askew and Carrie M. Askew; Violet Askew, born September 25, 1904, minor child of William H. Askew and Octavia W. Askew; Arthur W. Carter, born January 16, 1904, minor son of Charles Carter and Roxy C. Carter; and Roy Shipman, born August 12, 1905, minor child of Tom Shipman and Thanie Shipman. April 26, 1906, written application was made for the enrollment of Vera Shipman, born September 29, 1903, minor child of Thanie Shipman and T.D. Shipman, as citizens by blood of the Choctaw Nation.

It does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that any of the applicants has ever been recognized or enrolled as a citizen of the Choctaw Nation by any duly constituted authority.

The names of none of said applicants appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commissioner to the Five Civilized Tribes.

I am of the opinion that inasmuch as it does not appear from the records herein or from the records in the possession of this office that any of the applicants who applied to the Commission to the Five Civilized Tribes in 1896 possessed any tribal status as citizens of the Choctaw Nation, said Commission had jurisdiction to pass upon their rights as citizens of said nation, and I am without authority to take any action looking to their enrollment as citizens of said nation, and that the petition in so far as it relates to said applicants should be dismissed, and it is so ordered.

I am further of the opinion that as to those persons whose applications were dismissed for the reason that they failed to appeal to the Choctaw and Chickasaw Citizenship Court, or for the reason that their parents had been denied by a decree of said court, said dismissals should be affirmed, and the petition in so far as it relates to said applicants should be dismissed, and it is so ordered.

I am further of the opinion that the applications for the enrollment of Carl Hefner, Perry Q. Askew, Oscar G. Askew, Vernie Askew, Violet Askew, Arthur W. Carter, Roy Shipman, and Vera Shipman as citizens by blood of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved April 26,1906 (34 Stats.137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

OCT 27 1906

Choc. Minor 968

Violet Askew

M968

Refused 10-23-1906.
Record forwarded Dept. 10-24-06.
Action approved by Secretary of Interior 3-4-07.
Notice of Dept. action forwarded attorneys for Choc. and Chick. Nations 4-22-07.
Notice of Dept. action forwarded attorneys for applicant 4-22-07.
Notices and decisions in 7-5200.
Notice of Dept. action mailed applicant 4-22-07.

New Born #968

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Violet Askew

as a citizen of

Cherokee Nation.

Approved..... 190...

.....

Commissioner.

Born Sept. 26, 1904,

Act of Congress approved April 26, 1906.

Department of the Interior
Commissioner to the Five Civilized Tribes.
FILED Aug 2, 1906.
(Stamped) Tams Bixby,
Commissioner.

Letter 1220 NB 968 Received July 19 1906

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Violet Askew [Here insert name of child], born on the 25th day of September 1904

Name of Father: William H. Askew, a citizen of the Choctaw Nation.

Name of Mother Octavia V. Askew, a citizen of the U.S. Nation.

Tribal enrollment of father Choctaw Tribal enrollment of mother U.S.

Postoffice Willis, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, Southern District.

I, Octavia Askew, on oath state that I am 38 years of age and a citizen by marriage of the Choctaw Nation; that I am the lawful wife of William H. Askew, who is a citizen, by blood, of the Choctaw Nation; that a female [Male or Female] child was born to me on 25th day of September 1904; that said child has been named Violet Askew and was living March 4, 1906.

Octavia Askew

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 30th day of June 1906.

(Seal) (Signed) C. H. Thomas

Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, Southern District.

I, J. P. Collins, a physician, on oath state that I attended on Octavia Askew, wife of William H. Askew, on the 25th day of September 1904; that there was born to her on said date a female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Violet Askew

(Signed) Dr. J. P. Collins

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 2 nd day of July 1906.

Seal (Signed) C. H. Thomas

Notary Public.

C-105
7-5073
5074
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5214

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Newt Askew, et al., as citizens of the Choctaw Nation.

DECISION.

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes at Ardmore, Indian Territory, September 23, 1898, by Newt Askew, for the enrollment of himself, his wife, Nancy M. Askew, William H. Askew, Henry B. Askew, Elizabeth V. Askew, Dallas A. Askew and Roxy C. Askew, children of said Newt Askew and Nancy M. Askew, as citizens by blood of the Choctaw Nation; that on April 10, 1900, written application was made for the enrollment of Alpha Marie Hefner as a citizen by blood of the Choctaw Nation; that on April 11, 1902, written application was made for the enrollment of Julius Edward Askew as a citizen by blood of the Choctaw Nation; that on April 25, 1902, written application was made for the enrollment of Nancy Ann Hefner, as a citizen by blood of the Choctaw Nation; that application was made by William Q. Askew, at Ardmore, Indian Territory, September 22, 1898, for the enrollment of himself and minor children, Mattie Askew, Ellen Askew and Tom Askew as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Martha Askew, as a citizen by intermarriage of said nation; that application was made by Rebecca Askew at Ardmore, Indian Territory, September 23, 1898, for the enrollment of herself as a citizen by blood of the Choctaw Nation; that application was made by William T. Askew at Ardmore, Indian Territory, September 22, 1898, for the enrollment of himself and minor children, Thane Askew, Perry Askew, Tommy Askew, Lillie Askew, Gilbert Askew and Lizzie Askew as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Bettie Askew, as a citizen by intermarriage of said nation; that on October 13, 1900, written application was made for the enrollment of Ethel Askew, minor daughter of said William T. Askew and Bettie Askew, as a citizen by blood of the Choctaw Nation; that on August 16, 1902, written application was made for the enrollment of Robert Askew, minor son of the said William T. Askew and Bettie Askew, as a citizen by blood of the Choctaw Nation; that on November 30, 1901, written application was made for the enrollment as a citizen by blood of the Choctaw Nation of Robert Fley Shipman, minor child of Thane Shipman, (nee Askew), by her husband, T. B. Shipman; that application was made by Mary E. Jackson at Ardmore, Indian Territory, September 23, 1898, for the enrollment of herself and her minor children, Tayler F. Jackson, Alma Jackson, Charley Jackson, Rosece Jackson and Ethel Jackson, as citizens by blood of the Choctaw Nation; that application was made by Mary C. Brewer at Ardmore, Indian Territory, September 23, 1898, for the enrollment of herself and minor children, Emma Brewer and Elmer Brewer, as citizens by blood of the Choctaw Nation;

that on December 18, 1899, written application was made for the enrollment of the applicant, Mary B. Brewer, minor daughter of said Mary C. Brewer and G. P. Brewer, as a citizen by blood of the Choctaw Nation; that application was made by George W. Askew at Ardmore, Indian Territory, September 22, 1898, for the enrollment of himself and minor children, Sophia Askew and Alice Askew, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Dora Askew, as a citizen by intermarriage of said nation; that application was made by Martha E. Turner, at Ardmore, Indian Territory, September 23, 1898, for the enrollment of herself as a citizen by blood of the Choctaw Nation; that application was made by Sam Askew at Ardmore, Indian Territory, September 23, 1898 for the enrollment of himself as a citizen by blood of the Choctaw Nation, and for the enrollment of his wife, Lena Askew, as a citizen by intermarriage of said nation; that on March 20, 1900, written application was made for the enrollment of Frankie Beatrice Askew, minor daughter of Sam Askew and Lena Askew, as a citizen by blood of the Choctaw Nation; that on April 2, 1901 written application was made for the enrollment of Leo Askew, minor son of Sam Askew and Lena Askew, as a citizen by blood of the Choctaw Nation; that application was made by John Askew, at Ardmore, Indian Territory, September 23, 1898 for the enrollment of himself as a citizen by blood of the Choctaw Nation.

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that the applicants, William Q. Askew, William T. Askew, George W. Askew, Sam Askew, Martha Askew, Mattie Askew, Ellen Askew, Tom Askew, Bettie Askew, Thane Askew, Perry Askew, Tommy Askew, Lillie Askew, Gilbert Askew, Lizzie Askew, Dora Askew and Sophia Askew were applicants to the Commission to the Five Civilized Tribes for admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), that they were denied such admission by a decision of the Commission of December 1, 1898 (1898 Choctaw Citizenship Case No. 1); that from this decision an appeal was taken to the United States Court for the Southern District of Indian Territory, which court on December 21, 1897, in the case entitled "William Q. Askew, et al. vs. Choctaw Nation", rendered a judgment reversing the decision of the Commission to the Five Civilized Tribes as to the applicants, and admitted all of said applicants to citizenship in the Choctaw Nation, except Martha Askew, Bettie Askew and Dora Askew, On March 12, 1898 said court rendered a supplemental decision in said case admitting said Martha Askew, Bettie Askew and Dora Askew to citizenship in the Choctaw Nation.

These judgments were subsequently vacated, set aside, and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nation, or Tribes, vs. J. T. Riddle, et al."

Said cause was subsequently certified to the Choctaw and Chickasaw Citizenship Court, created by the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo, and on September 19, 1904, said Citizenship Court in the case entitled "William Quint Askew, et al., vs. Choctaw and Chickasaw Nations" (Choctaw Chickasaw Citizenship Court Case No. 2 Tishomingo Docket), rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, William Quint Askew, Martha Askew, Mattie Askew, Ellen Askew, Tom Askew, William Thomas Askew, Bettie Askew, Perry Askew, Tommie Askew, or Tommy Askew, Lily Askew or Lillie Askew, Gilbert Askew, Lizzie Askew, Thane Shipman, or Thane Askew, George Washington Askew, Dora Askew,

Sophia Askew and Sam Askew be denied, and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom."

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), application was made to the Commission to the Five Civilized Tribes for admission to citizenship in the Choctaw Nation of the following named persons; Rebecca Askew, Johnnie Askew, Newton Askew, Nancy Malincy Askew, William Howard Askew, Henry Edward Askew, Elizabeth Viola Askew, Dallas Alexander Askew, Roxie Cordelia Askew, Mrs. May Catherine Brewer, George Brewer, Elma Brewer, Emma Brewer, Mrs. Mary Ellen Jackson, Tom Jackson, Tayler Franklin Jackson Almer Jackson, Charlie Jackson, Roscoe Jackson, Mrs. Martha Etta Turner, and Marshall A. Turner, All of said applicants were denied admission to citizenship in the Choctaw Nation by a judgment of the Commission on December 1, 1896 (1896 Choctaw Citizenship Case No. 2)

Said cause was subsequently appealed to the United States Court for the Southern District of Indian Territory, which Court on December 21, 1897, reversed the decision of the Commission to the Five Civilized Tribes as to certain of the applicants, and admitted the following as citizens of the Choctaw Nation: John Askew, Newt Askew, William Howard Askew, Henry Edward Askew, Elizabeth Viola Askew, Dallas Alexander Askew, Roxie Cordelia Askew, Mrs. Rebecca Askew, Mrs. Nancy Melinda Askew, Mrs. May Catherine Brewer, Emma Brewer, Elmer Brewer, Mary Ellen Jackson, Tayler Franklin Jackson, Alma Jackson, Charlie Jackson, Roscoe Jackson and Mrs. Martha Etta Turner. In addition thereto the judgment of the Court recited "It further appears that exceptions have been filed to that part of the Master's Report relating to George Brewer, Marshall Turner and Tom Jackson, and it is hereby ordered that this cause stand open as to these three parties, so that exceptions may be considered hereafter".

Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court of December 17, 1902, in the test case of "Choctaw and Chickasaw Nations, or Tribes, vs. J. T. Riddle, et al".

Said cause as to certain of the applicants was subsequently certified to the Choctaw andChickasaw Citizenship Court, created under the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo, and on September 19, 1904, in the case entitled "Newt Askew, et al., vs. Choctaw and Chickasaw Nations" (Choctaw-Chickasaw Citizenship Court Case No. 1, Tishomingo Docket), rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Newt Askew, Nancy Malinda Askew, William Howard Askew, Dallas Alexander Askew, Henry Edward Askew, Roxie Cordelia Carter (nee Askew), or Roxie Cordelia Askew, Johnnie Askew, or John Askew, Mary Catherine Brewer, or May Catherine Brewer, EmmaBrewer, Elmer Brewer, Mary Ellen Jackson, Tayler Franklin Jackson, Alma Jackson, Charlie Jackson, Roscoe Jackson, Elizabeth Viola Hefner (nee Askew), or Elizabeth Viola Askew, and Rebecca Askew be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom".

On November 12, 1904, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Alpha Marie Hefner, Nancy Ann Hefner, Julius Edward Askew, Mary B. Brewer, Lena Askew, Frankie Beatrice Askew, Leo Askew, Alice Askew, Ethel Askew, Robert Askew, Robert Floy Shipman, and Ethel Jackson, for the reason that the persons through whom they claimed the right to enrollment had been denied citizenship by the Choctaw and Chickasaw Citizenship Court.

On December 3, 1904, the Commission to the Five Civilized Tribes issued an order dismissing the application for the enrollment of Martha E. Turner as a citizen by blood of the Choctaw Nation in accordance with the opinion of the Acting Attorney General dated May 9, 1904 (I.T.D. 3824-1904), and the opinion of the Assistant Attorney General for the Department of the Interior dated July 30, 1904 (I.T.D. 5246-1904.)

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on March 14, 1906, by Thomas Norman, attorney for the petitioners, a petition praying for the enrollment of the following persons as citizens of the Choctaw Nation: Newt Askew, Nancy Malinda Askew, John Askew, Dallas Alexander Askew, Carrie Margarette Askew, Roxie Cordelia Carter, (nee Askew), Marshall Turner, Mary Ellen Jackson, Tom Jackson, Taylor Jackson, Alma Jackson, Charley Jackson, Roscoe Jackson, Ethel Jackson, Viola Elizabeth Hefner, Joe Hefner, Alpha Marie Hefner, Nancy Ann Hefner, Mary Catherine Brewer, George Brewer, Emma Narcissus Brewer, Elmer Washington Brewer, Mary Belle Brewer, William Howard Askew, Tavia Askew, Julius Edward Askew, Henry Edward Askew, Rebecca Askew, William Quint Askew, Martha Askew, Mattie Askew, Ellen Askew, Tom Askew, William Thomas Askew, Bettie Askew, Perry Askew, Tom Askew, Lillie Askew, Gilbert Askew, Lizzie Askew, Ethel Askew, Robert Askew, Thaney Shipman, Floy Shipman, George Washington Askew, Dora Anderson Askew, Sophia Askew, Alice Askew, Sam Askew, Lena Askew and Leo Askew.

It is alleged in the petition that the petitioners are Choctaw descendants of Choctaw ancestry; that they took up a residence in the Indian Territory between the years 1880 and 1890 and have continued to reside in either the Choctaw or Chickasaw Nation since that time; that they claimed before and after their removal to said nations to be citizens of the Choctaw Nation by virtue of their Choctaw blood and Choctaw descent; that all their kinsfolk on Choctaw Indian side of the family, or a great many of them, are on the roll as citizens of the Choctaw Nation, that they have taken their allotment of lands and drawn their share of moneys thereof, and that their enrollment has long since been approved by the Secretary of the Interior.

The petitioners further state that among other children, an old half-blood Choctaw Indian, named Aaron Askew, had three children, two boys named Murrill and Tom, and one girl named Elizabeth, or Betty, who married a man named Douglas; that the United States Indian Agent rendered a decision about 1890, which was approved by the Choctaw Council, in which he adjudged the children of Murrill Askew to be citizens of the Choctaw Nation, all of whom are now on the approved roll of Choctaws; that in 1896 the Commission to the Five Civilized Tribes rendered a decision that the children of Elizabeth Douglas were citizens of the Choctaw Nation, and from

this decision no appeal was taken; that all of said children are on the approved Choctaw rolls; that the petitioners herein are the legitimate descendants of the other brother named Tom Askew, and that they as well as the descendants of the said Murrill Askew and Elizabeth Douglas (nee Askew) are citizens of said nation.

On July 19, 1906, written applications were made to the Commissioner to the Five Civilized Tribes for the enrollment of the following persons as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906, (34 Stats., 137); Carl Hefner, born February 23, 1906, minor child of Joe H. Hefner and Viola Hefner; Perry Q. Askew, born June 4, 1903, minor child of George W. Askew and Dora A. Askew; Oscar G. Askew born December 22, 1902, and Vernie Askew, born July 11, 1905, minor children of Dallas A. Askew and Carrie M. Askew; Violet Askew, born September 26, 1904, minor child of William H. Askew and Octavia W. Askew; Arthur W. Carter, born January 16, 1904, minor son of Charles Carter and Roxy C. Carter; and Roy Shipman, born August 12, 1905, minor child of Tom Shipman and Thanie Shipman. April 26, 1906, written application was made for the enrollment of Vera Shipman, born September 29, 1903, minor child of Thanie Shipman and T. D. Shipman, as citizens by blood of the Choctaw Nation.

It does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that any of the applicants has ever been recognized or enrolled as a citizen of the Choctaw Nation by any duly constituted authority.

The names of none of said applicants appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commissioner to the Five Civilized Tribes.

I am of the opinion that inasmuch as it does not appear from the records herein or from the records in the possession of this office thatany of the applicants who applied to the Commission to the Five Civilized Tribes in 1896 possessed any tribal status as citizens of the Choctaw Nation, said Commission had jurisdiction to pass upon their rights as citizens of said nation, and I am without authority to take any action looking to their enrollment as citizens of said nation, and that the petition in so far as it relates to said applicants should be dismissed, and it is so ordered.

I am further of the opinion that as to those persons whose applications were dismissed for the reason that they failed to appeal to the Choctaw and Chickasaw Citizenship Court, or for the reason that their parents had been denied by a decree of said court, said dismissals should be affirmed, and the petition in so far as it relates to said applicants should be dismissed, and it is so ordered.

I am further of the opinion that the applications for the enrollment of Carl Hefner, Perry Q. Askew, Oscar G. Askew, Vernie Askew, Violet Askew, Arthur W. Carter, Roy Shipman, and Vera Shipman as citizens by blood of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Signed Tams Bixby,
Commissioner.

Muskogee, Indian Territory,
Oct. 23, 1906.

Choc. Minor 969

M969

NEW BORN #969

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Emma Sanders

as a citizen of

Choctaw Nation.

Approved ..... 190...

.....
Commissioner.

Born Dec 22, 1904
Act of Congress approved April 26, 1906
Department of the Interior,
Commissioner to the Five
Civilized Tribes.
Filed Jul 24, 1906
Tams Bixby Commissioner.

CHOCTAW RECEIVED JUL 19 1906
N.B. 969

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Emma Sanders [Here insert name of child], born on the 22 day of December 1904

Name of Father: Jaspar Osteana Sanders a citizen of the Choctaw Nation.

Name of Mother: Sallie Sandars a citizen of the Inter Marry Nation.

Tribal enrollment of father. Choctaw Tribal enrollment of mother. Inter Marry

Postoffice Terrla Ind- T

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
20 District. }

I, Sallie Sanders, on oath state that I am 32 years of age and a citizen by Inter Marry of the Choctaw Nation; that I am the lawful wife of Jasper Osteane Sanders, who is a citizen, by Blood of the Choctaw Nation; that a female [Male or Female] child was born to me on 22 day of December 1904; that said child has been named Emma Sanders, and was living March 4, 1906.

(Signed) Sallie Sanders

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 17th day of July 1906.

(SEAL)

(Signed) J. A. Walker
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
20th District. }

I, J.A. Walker, a Physician, on oath state that I attended on Sal ie Sandars, wife of Jaspar O Sanders on the 22 day of December 1904; that there was born to her on said date a female [Male or Female] child: that said child was living March 4, 1906, and is said to have been named Emma Sanders

(Signed) J.A. Walker

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 17th day of July 1906.

(SEA)

(Signed) J.A. Walker
Notary Public.

23-969.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emma Sanders as a citizen of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on July 19, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Emma Sanders as a citizen of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that Emma Sanders was born December 22, 1904, and is the daughter of Jasper Osteane Sanders, who was denied citizenship in the Choctaw Nation (as Jasper Ostrian Sanders or Jasper Ostion Sanders), by the Choctaw and Chickasaw Citizenship Court on November 29, 1904, in Case No. 73, on the Tishomingo Docket thereof, and Sallie Sanders, a non-citizen and non-applicant, either for enrollment as a citizen of the Choctaw Nation or for identification as a Mississippi Choctaw.

I am of the opinion that Emma Sanders is not entitled to enrollment as a citizen of the Choctaw Nation, and that the application made for her enrollment as such should be refused, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,
OCT 20 1906

23-969

Muskogee, Indian Territory, October 20, 1906.

Jasper Ostean Sanders,

Terral, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Emma Sanders as a citizen of the Choctaw Nation, under the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Registered.

Incl. 23-969.

23-969

Muskogee, Indian Territory, October 20, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Emma Sanders as a citizen of the Choctaw Nation, under the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby
Commissioner.

Incl. 23-969.

Muskogee, Indian Territory, October 20, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Emma Sanders as a citizen of the Choctaw Nation, under the Act of Congress approved April 26, 1906, including the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, denying said application.

Respectfully,

Tams Bixby

Commissioner.

23-969
Through the
Commissioner of Indian Affairs.

K.L.M.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

O.K.

D.C.11712
I.T.D. 4374-1907.
L.R.S.

February 26, 1907.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

October 20, 1906, you transmitted the record in the matter of the application for the enrollment of Emma Sanders as a citizen of the Choctaw Nation, together with your decision of the same date, denying said application.

Reporting February 19, 1907 (Land 92950-1906), the Indian Office concurs in your decision. A copy of its letter is enclosed.

Your decision is hereby affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inc. and 1 inc.
for Ind. Of.

A.F.Mc.
2-26-07.

LAND
92950-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 19, 1907.

COPY

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Emma Sanders as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, adverse to the applicant.

The record shows that on July 19, 1906 application was made to the Commissioner to the Five Civilized Tribes for the enrollment of this applicant as a citizen of the Choctaw Nation. The record further shows that Emma Sanders was born December 22, 1904, and is the daughter of Jasper Osteane Sanders, who was denied citizenship in the Choctaw Nation as "Jasper Ostrian Sanders," or "Jasper Ostion Sanders," by the Choctaw and Chickasaw Citizenship Court on November 29, 1904, and of Sallie Sanders, a non-citizen.

This case does not come within the Lula West case approved by the Department February 10, 1905, (I.T.D.10363-1904).

By reason of the provisions of the Act of Congress approved April 26, 1906, (34 Stat.L., 137), the Office concurs in the decision of Commissioner Bixby denying the enrollment of the applicant as a citizen of the Choctaw Nation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EEM-LC.

23-969

Muskogee, Indian Territory, April 18, 1907.

Jasper O[illegible]an Sanders,

Terrell, Indian Territory.

Dear Sir:

You are hereby advised that on February 25, 1907, the Secretary of the Interior affirmed the decision of this office of October 20, 1906, denying the application for the enrollment of Emma Sanders as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

23-969

Muskogee, Indian Territory, April 18, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 25, 1907, the Secretary of the Interior affirmed the decision of this office of October 20, 1906, denying the application for the enrollment of Emma Sanders as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

Choc. Minor 970

Clinton L. Wooding

M 970

Duplicate record bound
See Petition C #130

Dismissed 2-13-07.
Copy of decision forwarded applicant
2-13-07
Copy of decision forwarded attorney
for applicant 2-13-07
Copy of decision forwarded attorneys
for Choc. + Chick. Nations 2-13-07.
Record forwarded Dept. 2-13-07.

DEPARTMENT OF THE INTERIOR, W.C.P.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

C- 130
7-D- 2
7- 13
7- 14
7-D-293
7-D-299
7- 2708
7- 2709
7- 3277
7- 3279
7-3280
7- 3294
7- 3295
7- 3296
7- 3297
7- 3298
7- 3234
23- 955
23- 970
23- 991
23- 992

In the matter of the application for the enrollment of THOMAS P. LEWIS, et al, as citizens by blood and intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes at Calvin, Indian Territory, August 7, 1899, by Thomas P. Lewis for the enrollment of himself, his children, Lawrence Lewis, Laura Lewis, Antha L. Lewis, and Oscar Lewis as citizens by blood of the Choctaw Nation and for the enrollment of his wife, Augusta M. Lewis, as a citizen by intermarriage of the Choctaw Nation; the census card record shows that on the same date application was made by Zora P. Lewis for the enrollment of herself as a citizen by blood of the Choctaw Nation; that on the same date application was made by Edward M. Lewis for the enrollment of himself and children, Gail B. Lewis, Edward H. Lewis and Zora A. Guyer as citizens by blood of the Choctaw Nation and for the enrollment of his wife, Sarah M. Lewis, as a citizen by intermarriage of the Choctaw Nation; that on July 16, 1900, written application was filed for the enrollment of Lindly Blaine Guyer and on June 7, 1901, application was filed for the enrollment of Edith May Guyer; on September 24, 1902, application was filed for the enrollment of Fielding Lewis Guyer, minor child of William H. Guyer and Zora A. Guyer, as citizens by blood of the Choctaw Nation; that on August 7, 1899, application was made to the Commission to the Five Civilized Tribes by Edward M. Lewis for the enrollment of Sarah J. McKibben and her children, George L. McKibben, Cassie O. McKibben, Claude McKibben, Thomas P. McKibben and Grant McKibben as citizens by blood of the Choctaw Nation; that on the same date application was made by Lydia Clark to the Commission to the Five Civilized Tribes for the enrollment of herself as a citizen by blood of the Choctaw Nation; that on the same date application was made to the Commission to the Five Civilized Tribes by Virgil Cowart for the enrollment of himself as a citizen by blood of the Choctaw Nation and for the enrollment of his wife, Anna Cowart, as a citizen

by intermarriage of the Choctaw Nation; that on September 2, 1898, application was made by Marshall Cowart for the enrollment of himself and his brothers, Samuel P. Cowart and George V. Cowart, as citizens by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Calvin, Indian Territory, during the month of August, 1899, by Lucy Adams for the enrollment of herself and her minor children, Mabel Adams and Earnest P. Adams, as citizens by blood of the Choctaw Nation; that on February 24, 1902, written application was filed for the enrollment of Ida Vadis Adams, minor child of said Lucy Adams and A. M. Adams as a citizen by blood of the Choctaw Nation; that on August 7, 1899, application was made to the Commission to the Five Civilized Tribes by Zora S. Early for the enrollment of herself and her daughter, Nellie Early, as citizens by blood of the Choctaw Nation; that on June 14, 1901, written application was filed for the enrollment of Albert Clarence Goodwin, minor child of Nellie Goodwin, nee Early, and John Goodwin as a citizen by blood of the Choctaw Nation; that on September 2, 1898, application was made to the Commission to the Five Civilized Tribes by Joseph H. Leard for the enrollment of himself, Madison Leard, Jack Leard, Maud Early and Hugh Early as citizens by blood of the Choctaw Nation and for the enrollment of his wife, Belle Leard, as a citizen by intermarriage of the Choctaw Nation; that on February 28, 1901, written application was filed for the enrollment of Frank David Leard, minor child of Madison Leard and Eliza Leard as a citizen by blood of the Choctaw Nation; that on August 29, 1901, written application was filed for the enrollment of Elihu Venable, minor child of John Venable and Maud Venable as a citizen by blood of the Choctaw Nation; that on June 14, 1899, application was made to the Commission to the Five Civilized Tribes at Spiro, Indian Territory, by Olivia Pryor for the enrollment of herself and her minor children, Kyle Douglass, Henry Jordan, Rhoda Jordan, Zora Jordan, George Pryor, James Pryor, Mary E. Pryor and Sallie O. Pryor as citizens by blood of the Choctaw Nation; that on August 18, 1900, written applications were filed for the enrollment of Vernon Pryor and Earl Pryor, minor children of said Olivia Pryor and S. V. Pryor as citizens by blood of the Choctaw Nation; that on September 2, 1898, application was made to the Commission to the Five Civilized Tribes at Calvin, Indian Territory, by Angeline Tabor for the enrollment of herself and her minor children, Willie Tabor, Ben Tabor and Herschel L. Tabor as citizens by blood of the Choctaw Nation; that on March 1, 1901, written application was filed for the enrollment of Ruthe Adams, minor child of Angeline Tabor, (now Adams) and J. J. Adams, and on August 7, 1902, written application was filed for the enrollment of Leona Tabor, minor child of Angeline Tabor and Sherman Tabor as citizens by blood of the Choctaw Nation; that on September 29, 1898, application was made to the Commission to the Five Civilized Tribes at Tishomingo, Indian Territory, by Julius M. Leard for the enrollment of himself and his minor children, Frank Leard, Sudie Leard and Nannie Leard as citizens by blood of the Choctaw Nation; that on August 6, 1900, written application was filed for the enrollment of Barney Edward Leard and on November 1, 1901, written application was filed for the enrollment of David Leard, minor children of Sudie Leard and Julius M. Leard as citizens by blood of the Choctaw Nation; that on June 14, 1899, application was made to the Commission to the Five Civilized Tribes at Spiro, Indian Territory, by Ophelia S. Edwards for the enrollment of herself and children, Charles Edwards, Lula J. Edwards, Martha J. Edwards, David L. Edwards and Luther W.

Edwards as citizens by blood of the Choctaw Nation; that on August 5, 1899, application was made to the Commission to the Five Civilized Tribes at Hartshorne, Indian Territory, by Joseph M. Edwards for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation.

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made on September 9, 1896, for the admission of certain of the applicants as citizens of the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), the names of the applicants herein appearing in said application as follows: Zora P. Lewis, Edward M. Lewis, Sarah E. Lewis, Gail B. Lewis, Zora A. Lewis, Edward M. Lewis, Thomas P. Lewis, Augusta M. Lewis, Laura A. Lewis, Antha Lewis, Lawrence Lewis, Oscar Lewis, Lydia Clark, Olivia Pryor, Kyle Douglass, Henry Jordan, Rhoda Jordan, Zora Jordan, George Pryor, James Pryor, Mary E. Pryor, Virgil Cowart, Annie Cowart, Samuel P. Cowart, George W. Cowart, Marshal Cowart, Angeline Tabor, Willie L. Tabor, Benny N. Tabor, Herschel L. Tabor, Julius M. Leard, Frank A. Leard, Sudie E. Leard, Mannie E. Leard, Maud Early, Hugh H. Early, Joseph M. Leard, Bell Leard, Madison L. Leard, Jackson A. Leard, Sarah Jane McKibben, George Lewis McKibben, Cassie O. McKibben, Claud T. McKibben, Thomas P. McKibben, Zora S. Early, nee Lewis, Lucy Adams, nee Early, Sally O. Early, Mable Adams, Ophelia E. Edwards, Joseph M. Edwards, Charles Edwards, Lula Edwards, Martha J. Edwards and David L. Edwards. The names of George W. McKibben and Preston Early were also included in said application.

On December 4, 1896, the Commission to the Five Civilized Tribes denied the above application from which decision appeal was taken to the United States Court for the Central District of Indian Territory, which Court on January 19, 1898, reversed the decision as to the above applicants and admitted said applicants to citizenship in the Choctaw Nation.

Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw-Chickasaw Citizenship Court of December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al".

Said cause as to all the applicants herein except Sarah J. McKibben and Edward M. Lewis was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo and on December 3, 1904, in the case entitled "Zora P. Lewis, et al, vs. Choctaw and Chickasaw Nations", said Citizenship Court rendered a judgment wherein it was "ordered adjudged and decreed that the petition of the plaintiffs, Zora P. Lewis, Thomas P. Lewis, Zora S. Early, Olivia Pryor, Gale B. Wooding or Gale B. Lewis or Gail B. Lewis, Marshal Cowart, Virgil Cowart, Angaline Adams or Angaline Tabor, or Angeline Tabor, Julius M. Leard, Madison Leard or Madison L. Leard, Jack Leard, Mamie Early, Hugh Early, Olivia Clark, Lawrence Lewis, Laura Lewis, Lucy Adams, Nellie Goodwin or Nellie Early, George L. McKibben or George Lewis McKibben, Cassie O. McKibben or McKibben, Claud McKibbin or McKibben, Thomas P. McKibbin or McKibben, Frank A. Leard, Mabel Adams ... Zora A. Lewis, Edward M. Lewis, Sudie Leard, Mannie Leard, Ben Tabor, Herschel Tabor, Kyle Douglass or Douglas, Henry Jordan, Rhoda Jordan, Zora Jordan, George Pryor, James Pryor, Mary P. Pryor or Mary E. Pryor . . . Antha L. Lewis or Antha L. Lewis, Oscar Lewis . . Joseph M. Leard, Sarah E. Lewis, Augusta M. Lewis, Samuel P. Cowart, George V. Cowart, Anna Cowart and Belle Leard be denied and

that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom".

On the same date said Citizenship Court rendered a judgment in the case of "Preston Narly, et al, vs. Choctaw and Chickasaw Nations" wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Preston Narly, Joseph M. Edwards, George W. McKibben or McKibben . . . be denied and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom".

On the same date said Citizenship Court rendered a judgment in the case entitled "Ophelia S. Edwards, et al, vs. Choctaw and Chickasaw Nations" wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Ophelia S. Edwards, David L. Edwards, Charles Edwards, Lula Hayes or Lula Edwards and Martha J. Smith or Martha J. Edwards be denied and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom".

On January 19, 1905, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Earnest P. Adams, Ida Vadis Adams, Frank David Leard, Elihu Venable, Sallie O. Pryor, Earl Pryor, Ruthe Adams, Vernon Pryor, and Leona Tabor. January 21, 1905, said Commission issued orders dismissing the applications for the enrollment of Lindly Blaine Guyer, Edith May Guyer, Yielding Lewis Guyer, Albert Clarence Goodwin and Luther W. Edwards. On January 24, 1905, said Commission issued an order dismissing the applications for the enrollment of Barney Edward Leard and David Leard. Said orders were based on the fact that the rights of the persons through whom the above applicants claim the right to enrollment as citizens of the Choctaw Nation have been adversely determined by the Choctaw and Chickasaw Citizenship Court.

On January 26, 1905, said Commission issued an order dismissing the application for the enrollment of Grant McKibben for the reason that the rights of said applicant's brothers and sisters whose status as citizens by blood of the Choctaw Nation was identical with the status of said applicant had been adversely determined by said Choctaw and Chickasaw Citizenship Court.

On the same date said Commission issued orders dismissing the application for the enrollment of Sarah J. McKibben and Edward M. Lewis as citizens by blood of the Choctaw Nation for the reason that the judgment of the United States Court of January 19, 1898, favorable to said applicants had been set aside by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, and said cause as to said applicants was not certified to the Choctaw and Chickasaw Citizenship Court for a trial denovo.

On June 26, 1906, there was received at the office of the Commissioner to the Five Civilized Tribes a petition praying for the enrollment of the following persons as citizens by blood of the Choctaw Nation: Zora P. Lewis, Thomas P. Lewis, Augusta M. Lewis, Lydia Clark, George Clark, Lawrence Lewis, Laura Lewis, Frank Davis, Antha Lewis, Oscar Lewis, Rhoda Cowart, Olivia Pryor, Virgil Cowart, Marshall Cowart, George V. Cowart, Kyle Douglass, Henry Jordin,

Rhoda Jordan, Zora Jordan, George Pryor, James Pryor, Mary R. Pryor, Olivia Pryor, Vernon Pryor, Earle Pryor, Emmett Pryor, Jessie Pryor, William Early, William E. Hays, Cosa Bailey, Samuel Douglas, Ethel Douglas, Henry Dunn, Tula Dunn, Zora S. Early, Preston Early, Lucy Adams, A. M. Adams, Nellie Goodwin, John Goodwin, Mabel Adams, Ernest Adams, Vadice Adams, Alvey Adams, Clarence Goodwin, Theodore Goodwin, Susan Early, Angeline Adams, John Adams, Julius Leard, Lutie Leard, Madison L. Leard, Eliza Leard, Jack Leard, Susie Leard, Joseph H. Leard, Belle Leard, Hugh Early, Maude Venable, John Venable, Willie Tabor, Benjamin Tabor, Herschel L. Tabor, Ruth Adams, Rufus Adams, Frank Leard, Sudie Leard, Mannie Leard, Barnie Leard, Dave Leard, Frank Leard, Roy Leard, Ona Leard, Elihu Venable, Alice Venable, Jewell Venable, Edward M. Lewis, Sarah E. Lewis, Gail Wooding, John L. Wooding, Zora A. Guyer, William H. Guyer, Edward M. Lewis, Clinton L. Wooding, Lindley B. Guyer, Fielding L. Guyer, Edith Guyer, Jesse Lee Guyer, Rosa P. Guyer, Sarah J. McKibben, G. W. McKibben, George Lewis McKibben, Cassie O. McKibben, Claud McKibben, Thomas P. McKibben, Ophelia Edwards, J. M. Edwards, Charles Edwards, Lula Ratteree, Eugene Ratteree, Martha J. Smith, Oscar Smith, David Self, ____ Self and Leeta Ratteree.

It is alleged in the petition that the petitioners are entitled to enrollment under the supervisory authority of the Honorable Secretary of the Interior as members of the Choctaw Nation by virtue of their Choctaw descent and their residence with said tribe.

The following persons mentioned in the petition are identical with the persons for whose enrollment as citizens by blood and intermarriage of the Choctaw Nation application was made under the provisions of the Act of Congress approved June 28, 1898, (30 Stats., 495): Zora P. Lewis, Thomas P. Lewis, Augusta M. Lewis, Lydia Clark, Lawrence Lewis, Laura Lewis, Antha Lewis, Oscar Lewis, Olivia Pryor, Earl Pryor, Virgil Cowart, Marshall Cowart, George V. Cowart, Kyle Douglass, Henry Jordan, Rhoda Jordan, Zora Jordan, George Pryor, James Pryor, Mary R. Pryor, Edward M. Lewis, Sarah E. Lewis, Joseph H. Leard, Belle Leard, Olivia Pryor, Vernon Pryor, Zora S. Early, Lucy Adams, Nellie Goodwin, Mabel Adams, Earnest Adams, Vadice Adams, Clarence Goodwin, Angeline Adams, Julius Leard, Madison L. Leard, Jack Leard, Hugh Early, Maud Venable, Willie Tabor, Benjamin Tabor, Herschel L. Tabor, Ruth Adams, Frank Leard, Sudie Leard, Mannie Leard, Barnie Leard, Dave Leard, Frank Leard, Elihu Venable, Gail Wooding, Zora A. Guyer, Edward M. Lewis, Lindley B. Guyer, Fielding L. Guyer, Edith Guyer, Sarah J. McKibben, George Lewis McKibben, Cassie O. McKibben, Claud McKibben, Thomas P. McKibben, Ophelia E. Edwards, Charles Edwards, Lula Ratteree, Martha J. Smith and J. M. Edwards.

Application was made under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137) for the enrollment of the following persons as citizens by blood of the Choctaw Nation: July 20, 1906, Alva Adams, born January 8, 1905, minor daughter of A. M. Adams and Lucy Adams;

July 23, 1906, Theodore Early Goodwin, born January 31, 1905, minor son of John T. Goodwin and Nellie Goodwin;

July 24, 1906, Clinton L. Wooding born June 23, 1905, minor son of John L. Wooding and Gail B. Wooding.

July 20, 1906, Jessie Fay Guyer and Rosa Lee Guyer, born January 4, 1904 and March 22, 1905, respectively, children of J. W. Guyer and Zora A. Guyer.

It is not alleged in the petition that any of the petitioners herein ever occupied such a status as would entitle them to enrollment as citizens by blood or intermarriage of the Choctaw Nation; neither can any of the petitioners be identified with any

of the persons whose names appear on any of the tribal rolls of the Choctaw Nation in the possession of this office.

Section one of the Act of Congress approved April 26, 1906 (34 Stats., 137), provides in part as follows:

"No motion to reopen or reconsider any citizenship case in any of said tribes shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act".

I am of the opinion that inasmuch as the petition herein was not filed within sixty days after the passage of the Act of April 26, 1906 (34 Stats., 137), I am without authority to reopen or consider said petition in so far as same applies to those applicants for whose enrollment application was made under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495).

I am, therefore, of the opinion that inasmuch as it does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that any of the applicants ever occupied such a status as would entitle them to enrollment as citizens by blood and intermarriage of the Choctaw Nation, the decisions of the Choctaw and Chickasaw Citizenship Court of December 3, 1904, are final and that the applications for the enrollment of Zora P. Lewis, Zora S. Early, Nellie Early, Thomas P. Lewis, Lawrence Lewis, Laura Lewis, Antha L. Lewis, Oscar Lewis, Lydia Clark, Virgil Cowart, Marshall Cowart, Samuel P. Cowart, George V. Cowart, Julius M. Leard, Frank Leard, Sudie Leard, Nannie Leard, George L. McKibben, Cassie O. McKibben, Claude McKibben, Thomas P. McKibben, Joseph H. Leard, Madison Leard, Jack Leard, Maud Early, now Maud Vanchle, Hugh Early, Olivia Pryor, Kyle Douglass, Henry Jordan, Rhoda Jordan, George Pryor, James Pryor, Mary E. Pryor, Angeline Adams, formerly Tabor, Willie Tabor, Ben Tabor, Marshel L. Tabor, Zora A. Guyer, Lucy Adams, Mabel Adams, Gail A. Lewis, now Gail A. Wooding, Edward H. Lewis, Zora Jordan, Ophelia S. Edwards, Charles Edwards, Eula J. Batteree, nee Edwards, Martha J. Smith, nee Edwards and David L. Edwards as citizens by blood of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902, (32 Stats., 641) and that the petition herein, in so far as it applies to said applicants, should be dismissed and it is so ordered.

I am further of the opinion that the application for the enrollment of Augusta M. Lewis, Anna Cowart, Sarah E. Lewis, Belle Leard and Joseph M. Edwards as citizens by intermarriage of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641) and that the petition herein in so far as same applies to said petitioners should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners Edward M. Lewis, Sarah J. McKibben, Ruth Adams, Leona Tabor, Callie O. Pryor, Vernon Pryor, Earl Pryor, Frank David Leard, Elihu Venable, Grant McKibben, Barnie Edward Leard, David Leard, Albert Clarence Goodwin, Kindly Blaine Guyer, Edith May Guyer, Fielding Lewis Guyer, Earnest E. Adams and Ida Vadis Adams, whose applications for enrollment have heretofore been dismissed, should be dismissed, and it is so ordered.

I am further of the opinion that the petitionherein in so far as same applies to the petitioners G. W. McKibben, John L.

Wooding, William Early, William H. Guyer, John Adams, Lydia Leard, wife of Julius Leard, Eliza Leard, Susie Leard, John Venable, Frank Davis, George Clark, A. M. Adams, Preston Early, John Goodwin, Eugene Patteree, Oscar Smith, Rhoda Stewart, Davie Self and ___Self, husband of Davie Self, should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Emmett Pryor, Jessie Pryor, Cora Bailey, Samuel Douglass, Ethel Douglass, Henry Mann, Lula Mann, Jesse Lee Guyer, Rosa P. Guyer, Rufus Taber, Roy Leard, Glen Leard, Alice Venable, Jewell Venable, Leota Patteree and William L. Hays should be considered as an application for the enrollment of said persons as citizens by blood of the Cheetaw nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and that inasmuch as said applications were not filed within the time limited by the provisions of said Act, the same should be dismissed, and it is so ordered.

I am further of the opinion that the application filed July 23, 1906 and July 24, 1906, for the enrollment of Alva Adams, Theodore Early Goodwin, Clinton L. Wooding, Jessie Ray Guyer and Rosa Lee Guyer and the petition herein in so far as same applies to said applicants should be dismissed, and it is so ordered.

(signed) Tams Bixby,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

Feb 13 1907

7-3294.

Muskogee, Indian Territory, August 15, 1906.

John L. Wooding,

Konawa, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of the affidavits of Mrs. Gail B. Wooding and H. S. Halloway, M. D., to the birth of your child, Clinton L. Wooding on June 23, 1905.

Respectfully,

Commissioner.

DCS.

Choc. Minor 971

Thomas Foster

M971

Jan 10, 1907 Granted.

1-19-07 Record forwarded Dept.

3-4-07 Decision of Commissioner of 1-10-07 reversed and schedule containing names of these applicants disapproved.

3-1-09 Dept. requests report.

4-22-09 Report to Dept.

6-2-09 Dept. holds case is not analogous to Goldsby case and declines to take action looking to enrollment of applicants.

6-16-09 Parties notified.

7-R-725
685
73
205
217
225
275
23-971
974
975
976
977
978
979
1001

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of FRANKLIN M. HARTON, et al, as a citizen of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that in the year of 1899, application was made by Franklin M. Horton at South McAlester, Indian Territory, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Mattie Horton, and his children, John, James, Rachel, Mary M. and Nancy Ella Horton, as citizens by blood of said nation; and for the enrollment of his step-mother, Mareissa S. Thompson, as a citizen by intermarriage of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at South Canadian, Indian Territory, in September 1899, by William H. McCoy, for the enrollment of himself and his children, Buford T. McCoy, Maud McCoy, Cordie McCoy and William McCoy as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Mary O. McCoy, as a citizen by intermarriage of said nation, that application was made by William E. Percival at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Mareissa Ella Percival, and his minor children, Jesse, Taylor, Forrest, Katie and Rebecca Percival, as citizens by blood of the Choctaw Nation, that on December 10, 1903, written application was made for the enrollment of Sadie Percival as a citizen by blood of the Choctaw Nation. Subsequent proceedings show that the correct name of said applicant is Mareissa Sadie Percival. Application was made by Charles B. Barkus at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Sarah Jane Barkus, and his minor children, John Henry, Charles P. Myrtle E. and Gertrude Barkus, and for the enrollment of Benjamin Oliver Welch, Maultsy Loley and Walter Welch, children of the said Sarah Jane Barkus, and for the enrollment of Willie Loley, minor daughter of Maultsy Loley, as citizen by blood of said nation; that application was made to the Commission to the Five Civilized Tribes by John T. Thompson at Calbert, Indian Territory, on June 21, 1900, for the enrollment of himself and his minor children, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson and John

Woody Thompson, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of said nation; that application was made to the Commission to the Five Civilized Tribes at South McAlester, Indian Territory, in the year 1899, by Nannie Vaughan, for the enrollment of herself and her minor children, Nattie, Callie, Stella and Roy Vaughan, as citizens by blood of the Choctaw Nation; that application was made in September, 1899, to the Commission to the Five Civilized Tribes by Thomas J.O'Quinn, for the enrollment (among others) of John T. O'Quinn and his minor daughter, Delphy O'Quinn, and Minnie L. Leddy as citizens by blood of the Choctaw Nation, and for the enrollment of May O'Quinn, wife of John T. O'Quinn, as a citizen by intermarriage of said Nation. Subsequent proceedings show that the correct name of the applicant Delphy O'Quinn is Ollie Odolphus O'Quinn.

It also appears that application was made in September, 1899, to the Commission to the Five Civilized Tribes, for the enrollment of John D. Thompson as a citizen of the Choctaw Nation, as is evidenced by the fact that in the testimony of F. M. Norton before the Commission at South McAlester, Indian Territory, in September, 1899, appears a statement made by Commissioner McKennon, as follows:

"The name of Narcissa S. Thompson also appears upon the roll of 1896, page 401, No. 15111, as an intermarried citizen, who is the mother of Mrs. Norton, who was never intermarried with a recognized citizen of the Choctaw Nation and is a white woman. Her enrollment is also refused.

A son, John D. Thompson, whose case is exactly that of the Nortons above stated, and whose enrollment is also refused.

The name of F. M. Norton is also found upon the roll of intermarried persons of 1896, page 390, No. 14638, he being the husband of Nattie Norton, whose enrollment is also refused."

On January 21, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of William R. Percival as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Narcissa Ella Percival, and his minor children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival and Rebecca Percival, as citizens by blood of the Choctaw Nation, together with the decision of the same date, rejecting all of the applicants in said case.

On the same date the Commission to the Five Civilized Tribes transmitted to the Department the record in the matter of the application of Nannie Vaughan for the enrollment of herself and her minor children, Nattie, Callie, Stella and Roy Vaughan as citizens by blood of the Choctaw Nation, together with the decision of the Commission of the same date denying said application.

On September 26, 1905, there was filed with the Department a petition of Martha Norton, relative to the right to enrollment of herself, her husband, Frances M. Norton, and her children, John P. Norton, James W.Norton, Rachel E. Norton, Mary M.Norton, and Nancy E. Norton, as citizens of the Choctaw Nation.

It will be noticed that in the original application for the enrollment of this family, the name was spelled Norton, while

in the above petition said name is spelled Marion. Subsequent proceedings have established that said name is correctly spelled Harton, and said name will hereafter in this decision be spelled accordingly.

On September 26, 1906, there was filed with the Department a petition of Mannie Foster (formerly Vaughan) relative to the right to enrollment of herself and her children, Mattie Vaughan, Callie Vaughan, Mannie Vaughan, Roy Vaughan and Thomas Clide Foster, as citizens of the Cheotaw Nation.

On the same date there was filed with the Department a petition of William E. Perceival, relative to the right to enrollment of himself as an intermarried citizen of the Cheotaw Nation, and his wife, Narcissie Ella Perceival, and their children, Jessie Perceival, Taylor Perceival, Forrest Perceival, Katie Perceival, Rebecca Perceival and Narcissie Sadie Perceival, as citizens of the Cheotaw Nation.

On the same date there was filed with the Department a petition of Sarah Jane Darken, relative to the right to enrollment of herself and her children, Benjamin Oliver Welch, Maultsia J. Welch, Walter P. Welch, John Henry Darken, Charles Bradley Darken, Myrtle Elvy Darken, and Gertrude M. Darken, as citizens of the Cheotaw Nation, and for the enrollment of her husband, Charles B. Darken, as a citizen by intermarriage of the Cheotaw Nation.

On the same date there was filed with the Department a petition of John D. Thompson relative to the right to enrollment of himself as a citizen of the Cheotaw Nation, in which he states:

> "I was married March 8, 1897, to Emma C. Weir, and as an issue of said marriage the following named children were born, John William Thompson, born July 9, 1899, and Mason Maud Thompson was born June 19, 1903."

While none of said petitions conclude with a prayer, they will be considered for the purpose of this decision as petitions for the enrollment of the persons mentioned therein as citizens by blood or intermarriage of the Cheotaw Nation.

The Department in its letter of April 4, 1906 (I. T. D. 13766-1906), directed the Commissioner to the Five Civilized Tribes to adjudicate the rights of John T. Thompson, et al., to enrollment as citizens by blood of the Cheotaw Nation, and instructed said Commissioner to take further testimony in the case if necessary.

The Department in its letter of April 5, 1906 (I. T. D. 1313-1906), set aside the decision of the Commissioner to the Five Civilized Tribes of January 21, 1906, in the case of William E. Perceival, et al., and instructed the Commissioner to make further investigation of the right of the applicants in said case to enrollment.

The Department in its letter of the same date (I. T. D. 1272-1906), set aside the decision of the Commissioner to the Five Civilized Tribes on January 21, 1906, in the case of Mannie Vaughan, et al., and instructed the Commissioner to take further testimony in said case and to readjudicate the same.

The Department in its letter of April 17, 1906 (I. T. D. 1748-1906), transmitted a letter from John T. O'Quinn of Marlow,

Indian Territory, dated April 5, 1906, relative to his application for enrollment as a citizen of the Choctaw Nation, claiming his name was included as one of the applicants in the case of William C. Thompson, et al., and stated that no reason was seen why the rights of John T. O'Quinn should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the Choctaw Nation.

On May 4, 1906, John T. O'Quinn and Mansfield McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, were notified that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at nine o'clock A. M., hear the testimony of such witnesses as he might desire to present tending to establish his right to enrollment as a citizen by blood of the Choctaw Nation.

On May 16, 1906, John T. Thompson, Marlow, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at ten o'clock A.M., hear the testimony of such witnesses as he might desire to present in the matter of his application for enrollment as a citizen of the Choctaw Nation.

On the same date Sarah Jane Darken and Martha Narten were also notified to appear at the office of the Commissioner at ten o'clock A. M., on Monday, May 28, 1906, for the purpose of introducing testimony in support of the application for the enrollment of said Sarah Jane Darken and Martha Narten and families as citizens of the Choctaw Nation, it appearing that said Sarah Jane Darken and Martha Narten were sisters of said John T. Thompson and that application for the enrollment of said parties and their families as citizens of the Choctaw Nation had been made prior to December 28, 1902. Notice of said hearing was also forwarded the attorneys for the Choctaw and Chickasaw Nations.

On the same date William M. McCoy and Mansfield, McMurray & Cornish were notified that the Commissioner would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at ten o'clock A. M., hear the testimony of witnesses in support of the application for the enrollment of said William M. McCoy and his family as citizens of the Choctaw Nation.

On the same date Nannie Vaughan (now Nannie Foster), Talihina, Indian Territory, and Mansfield, McMurray & Cornish, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at eleven o'clock A. M., on Monday, May 28, 1906, hear the testimony of witnesses in support of the application for the enrollment of said Nannie Vaughan (now Foster) and children as citizens of the Choctaw Nation.

On the same date William R. Percival, Marlow, Indian Territory, and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at one o'clock P. M., Monday, May 28, 1906, hear the testimony of witnesses in support of the application of said William R. Percival and family as citizens of the Choctaw Nation.

On May 23, 1906, there was filed with the Commissioner to the Five Civilized Tribes a petition signed by Mary E. O'Quinn, relative to the right to enrollment of John T. O'Quinn and his children, Ollie, Odelphus O'Quinn, Ruby O'Quinn, Agnes O'Quinn, Mark O'Quinn, and Altha S. O'Quinn as citizens by blood of the Choctaw Nation, and Fannie May O'Quinn as a citizen by intermarriage of said nation.

In conformity with the above notices a hearing was had at the office of the Commissioner May 28, 1906, at which time testimony was taken relative to the rights of Minnie Lee Maddy, John D. Thompson and his two minor children, John William Thompson and Hazel Maud Thompson, as citizens by blood of the Choctaw Nation. At said hearing Wirt Franklin of the firm of Apple & Franklin, Muskogee, Indian Territory, represented the petitioners. No appearance was entered by or on behalf of the Choctaw and Chickasaw Nations.

Applications were received by the Commissioner to the Five Civilized Tribes for the enrollment of the following persons as citizens of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137): May 8, 1906, Agnes O'Quinn, born March 28, 1900; Altha S. O'Quinn, born July 8, 1906; Ollie Odelphus O'Quinn, born August 23, 1896; Mark O'Quinn, born December 9, 1908; May 14, 1906, Ruby O'Quinn, born September 12, 1898, children of John T. O'Quinn, and his wife, Fannie May O'Quinn. The application for the enrollment of Ruby O'Quinn shows that said applicant diedMarch 15, 1899. May 28, 1906, George Pope Harton, born March 2, 1906 minor child of Franklin M. Harton and Martha Ann Harton; Viola Maude Hunt, born August 17, 1906, daughter of John Hunt and his wife, Rachel Susan Hunt (nee Harton); Bertha May Harton, born February 10, 1906, minor daughter of John F. Harton andhis wife, Susie Harton; Narcissa Sadie Percival, born October 2, 1899, minor daughter of William H. Percival and Narcissa Ella Percival; June 13, 1906, Thomas Foster born June 8, 1906, minor child of the applicant, Nannie Foster, formerly Vaughan, and her husband, Lewis Foster, June 18, 1906, Thomas Pembroch Reville, born August 17, 1904; Clara May Reville, born March 25, 1900, minor children of J. N. Reville and Maud Reville (nee McCoy); Amina McCoy, born July 22, 1902, and Fay McCoy, born June 12, 1906, children of Buford T. McCoy and his wife, Geneva McCoy; John D. Wooley, born February 4, 1902, and James B. Wooley, born April 30, 1904, children of Robert L. Wooley and his wife, Gordie Wooley (nee McCoy).

It appears from the records in the possession of the Commissioner to the Five Civilized Tribes that original application was filed with the Commission to the Five Civilized Tribes on September 9, 1896, for the admission of the following persons to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321):

Sarah Jane Thompson, nee Barlow,
Benjamin Welch,
Maultsie Welch,
Walter Welch,
Johny Barlow,
Martha Ann Thompson, nee Harton,

James William Marton,
John F. Marton,
Susie Marton,
Narcissa Ella Thompson, now Percival,
Jessee Percival,
Taylor Percival,
Forrest Percival,
Rebecca Percival,
Katie Percival,
Nancy S. Thompson, now Vaughan,
Mattie Vaughn,
Callie Vaughn, and
Nannie Vaughn.

The records in the possession of the Commissioner further show that on December 6, 1896, said application was denied (1896 Choctaw Citizenship Case No. 1394, entitled Sarah Jane Thompson and Martha Ann Thompson vs. Choctaw Nation). From this decision no appeal was taken.

The record herein shows that the applicant, Charles B. Darken, was married in the year 1887 to Sarah Jane Darken, in accordance with the laws of the United States, and that on October 16, 1896, said applicants were remarriedin accordance with the laws of the Choctaw Nation; that prior to her marriage to Charles B. Darken, said Sarah Jane Darken was married to Frank Welsh, from whom she was lawfully divorced on November 6, 1886. The applicant, John T. O'quinn, was lawfully married on August 27, 1895, to Fannie May Calhoun; that the applicant, John T. Thompson, was lawfully married on February 17, 1887, to Katie Calhoun; that the applicant, Franklin M. Marten, was married in the year 1888, to the applicant, Mattie Marten, but said marriage was not performed in accordance with the laws of the Choctaw Nation; that the applicant, John Marton, since his application for enrollment in 1899, was married to one Susie Girty, who is enrolled as a citizen by blood of the Cherokee Nation, opposite No., 17600; that the applicant, Bertha May Marten, is the issue of said marriage, and that election was made by said John Marten for the enrollment of said Bertha May Marton as a citizen of the Choctaw Nation; that the applicant, William E. Percival, was marriedin the year 1884 to Narcissa Ella Percival; that said marriage was not performed in accordance with the laws of the Choctaw Nation; said Narcissa Ella Percival died September 5, 1902. The applicant, John B. Thompson, was married in the year of 1896, to Emma Geneva Weir. The applicant, Mary G. McLaurine, was married February 2, 1876, to William H. McCoy.

The principal applicants with their families have resided continuously in the Choctaw-Chickasaw country since several years prior to 1896.

The names of the applicantsdo not appear on any of the tribal rolls of the Choctaw Nation in the possession of the Commissioner to the Five Civilized Tribes exceptthe 1896 Choctaw Census Roll, upon which appears the names of certain of the applicants, as follows:

John T. O'quinn (as T. K. O'Quinn)	Opposite No., -10089
Minnie L. Leddy (as Winnie Liddy)	8416
John T. Thompson (as Jno. T. Thompson)	13539
Mary F. Thompson	13540
William B. Thompson (as Wm. Thompson)	13531.

Charles S. Thompson (as Charles Thompson)	Opposite No.,-12532
John M. Thompson (as Jno.M.Thompson)	12533
John Henry Durham (as Jno. Henry Durham)	3426
Charles E. Durham, Jr. (as Charles E. Durham)	3427
Benjamin Oliver Welch (as Benjamin Welch)	14020
Walter Welch	14021
Manlsey Lolsy (as Maulsey Lawley)	8348
Mattie Horton	8993
Rachel Hunt (as Rachel S. Horton)	8994
John Horton (as Johnnie Horton)	8995
James Horton (as Jimmie Horton)	8996
Mary M. Horton	8997
Marcissa Ella Perceival (as Marcissa Percivill)	10554
Jesse Perceival (as Jesse Percivill)	10555
Tayler Perceival (as Tayler Percivill)	10556
Forrest Perceival (as Forrest Percivill)	10557
Katie Perceival (as Kate Percivill)	10558
Rebecca Perceival (as Rebecca Percivill)	10559
Bennie Vaughan (as Bennie Vaughn)	12631
Mattie Vaughan (as Mattie Vaughn)	12632
Callie Vaughan (as Callie Vaughn)	12633
Stella Vaughan (as Stella Vaughn)	12634
William M. McCoy	9507
Buford T. McCoy	9508
Mandie McCoy	9509
Cordie McCoy	9510
William McCoy	9511

The name of Katie Thompson appears upon said roll as Kate Thompson, opposite No. 15186, as a citizen by intermarriage of the Choctaw Nation. The name of Mary M. McCoy also appears on said roll opposite No. 14998, as a citizen by intermarriage of the Choctaw Nation. The name of C. E. Durham also appears on said roll opposite No. 14488, as a citizen by intermarriage of the Choctaw Nation.

The name of the applicant, Sarah Jane Durham, does not appear upon the 1896 Choctaw Freedmen Roll in the possession of the Commissioner to the Five Civilized Tribes. On September 21, 1906, there was filed with the Commissioner the affidavits of Virt Franklin, executed September 20, 1906, in which he states that the Acting Commissioner who conducted the hearing in this case failed to identify upon the 1896 Choctaw Freedmen Roll the name of Sarah Jane Durham, but that he identify upon the said roll the names of her children who were then living; that as attorney for the applicants he asked for the "roll of citizens by blood, of Atoka County, Indian Territory, of September 25, 1896", prepared by three Commissioners for that county, who were appointed under an act of the Choctaw Council approved September 18, 1896; that said roll was brought forth; that he examined the same and found on page 80 thereof the names of Sarah J. Durham, age 34, Benjamin Welch, age 17, and Walter Welch, age 14, John Henry Durham, age 8 and Charles E. Durham, age 6, that opposite the name of Sarah J. Durham is written in a different hand then thenames and with lead pencil the word "doubtful"; that opposite the names of the others there appears the letters "N.K." also written with lead pencil, while the names themselves were written with pen and ink; that he asked the Acting Commissioner at the time these names were found on the said county

roll to make a statement in the record which was then being made in this citizenship case, setting forth what this roll showed in regard to these applicants, but he not only refused to make the statement in the record himself, but denied the affiant the right to do so as attorney for the applicants. The roll referred to in said affidavit is a book designated as "Choctaw Census Roll, No. 0", and endorsed on the outside cover thereof "Choctaws residing in Chickasaw Nation; Memorandum Roll; Roll O". Said book has never been considered by the Commission to the Five Civilized Tribes, or its successor, as an authentic roll of the citizens of the Choctaw Nation.

In the case of Nancy J. Murphy, et al, decidedadverse to the applicants by the Commission to the Five Civilized Tribes on January 26, 1903, it was stated as follows:

"It further appears that the name of the applicant (written Nancy Murphy) is found on page 244 on the original memorandum record kept by the Enumerator for Atoka County, Choctaw Nation, in making the 1896 Choctaw Census Roll under the heading "Doubtful, claims citizenship, but her name does not appear upon any of the recognized Choctaw tribal rolls in the possession of the Commission as a citizen of said Nation".

The Department in its letter of May 18, 1903 (I. T. D. 4342-1903) approved the decision of the Commission of January 26, 1903. The memorandum referred to in said case is the book mentioned in the affidavit of Mr. Franklin. Said book, together with a report concerning same, was forwarded to the Department with a letter of the Acting Commissioner to the Five Civilized Tribes dated September 1, 1906, returning certain petitions forwarded by the Department in its letter of May 7, 1906 (I. T. D. 5244-1906) relative to the application for the enrollment of Nancy J. Murphy, et al, as citizens of the Choctaw Nation.

The name of John D. Thompson does not appear upon the 1896 Choctaw Census Roll in the possession of the Commissioner to the Five Civilized Tribes. Besides the names of John M. Thompson and John T. Thompson mentioned above, the name of John Thompson appears upon the 1896 Choctaw Census Roll opposite No. 12504, Jacksfork County age 11 years. The age of the applicant John D. Thompson is given as 38 years. It is, therefore, clear that the applicant is not identical with the John Thompson whose name appears on the Choctaw Census Roll opposite No., 12504, Jacksfork County,

The name of John Thompson, age 27 years, Atoka County, also appears upon the 1896 Choctaw Census roll. It appears that in the preparation of said roll the names of the numbers of each family were grouped together.

Attached to the record herein is a copy of [illegible] pages 324 and 325 of said roll upon which appears the name of John Thompson opposite No. 12455.

It will be noticed that the age of the applicant, John D. Thompson corresponds with the age of John Thompson, whose name appears on said roll opposite No. 12455. It will also be noticed that immediately following the name of John Thompson on the 1896 Choctaw Census Roll and opposite No. 12456 appears the name of Gertrude Thompson.

On February 15, 1906, this office addressed a letter to Gertrude Thompson at Hewitt, Indian Territory, requesting to be advised of the whereabouts of said John Thompson. On February 17 1906, said Gertrude Thompson addressed a letter to the Commissioner in which she stated that she knew nothing of such a person, unless it was John Henry Thompson, her husband, with whom she does not now reside; that said John Henry Thompson is a Chickasaw by blood instead of a Choctaw, and that she does not think that her name and said John Thompson's name have been placed together on any of the rolls since 1896.

On June 2, 1906, there was filed with the Commissioner by Apple & Franklin, the affidavit of Henry Thompson, in which he states that he is 31 years of age, and was the husband of Gertrude Thompson, a Choctaw citizen by blood. That he is a citizen by blood of the Chickasaw Nation; that his full name is John Henry Thompson, and that he has generally been known as Henry Thompson; that he never made an attempt to get on the 1896 Choctaw Census Roll because he is a Chickasaw by blood and was enrolled on the 1896 Chickasaw Census Roll, but he does not think his name appears on the 1896 Choctaw Census Roll for Atoka County; that it the name, John Thompson, appears on the Choctaw Census Roll, number 12455, he does not think it was meant for him, because he made no attempt to have his name placed on said roll, and does not know of any one else giving his name to the enumerators.

The name of Henry Thompson appears upon the 1896 Chickasaw Census Roll, and upon the final roll of citizens by blood of the Chickasaw Nation approved by the Secretary of the Interior opposite No. 3594.

Granting the truth of the statement contained in the affidavit of Henry Thompson that his name was placed on the 1896 Chickasaw Census Roll and that he made no effort to have his name placed on the 1896 Choctaw Roll, it is not probable that this fact would have prevented the Census committee from placing his name upon said 1896 Choctaw Census Roll. It is evident from the letter of Gertrude Thompson, above referred to, that it was her understanding that the names of herself and her husband were placed upon the 1896 Choctaw Census Roll together, and the fact that the name of John Thompson was placed on said roll, together with said Gertrude Thompson, seems to clearly indicate that John Thompson is identical with John Henry Thompson, and therefore, not identical with John D. Thompson. It also appears from the testimony of John Thompson on May 28, 1906, that he was not living in the Choctaw Nation in the year 1896 but was living in the Comanche country. It will be observed that the age of John Thompson appears on the 1896 Choctaw Census Roll as 27 years, while the age of Henry Thompson is given inhis evidence of May 30 1906, as 31 years. This discrepancy, however, is easily accounted for by the fact that said Henry Thompson states that he made no effort to have his name placed on said roll. The information concerning his age was, therefore, evidently obtained by the Census Committee from some third

person, and it is probably that his age might have been incorrectly given to said Committee.

It appears from the record herein that the applicant, Narcissa S. Thompson, died in August, 1901.

Following the ruling of the Department of April 4, 1906, (I. T. D. 4222-1906), in the case of Mary E. O'Quinn, et al., I am of the opinion that the applicants herein, who are of Choctaw blood, who were residents in good faith of the Indian Territory on June 28, 1898, and whose names appear upon the 1896 Choctaw Census Roll, and their descendants born since said roll was made, and those persons who were married to any of said applicants in accordance with the laws of the Choctaw Nation, should be enrolled as citizens of the Choctaw Nation.

I am further of the opinion that the applications for the enrollment of the applicants herein, whose names do not appear upon the 1896 Choctaw Census Roll, and who are not descendants of persons whose names do appear upon said roll, born since the date thereof, and those intermarried applicants who were not married to their Indian spouses in accordance with the laws of the Choctaw Nation, should be denied.

I am, therefore, of the opinion that the applicants, John T. O'Quinn, Ollie Odolphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles B. Darken, Jr., Benjamin Oliver Welch, Walter Welch, Maultsy J. Lawley, Willie May Lawley, Mattie Barton, John Barton, Rachel Barton, James Barton, Mary M. Barton, Nancy Ella Barton, Jesse Perceival, Taylor Perceival, Forrest Perceival, Katie Perceival, Rebecca Perceival, Narcissa Sadie Perceival, Mamnie Vaughan, Mattie Vaughan, Callie Vaughan, Stella Vaughan, Roy Vaughan, William M. McCoy, Buford T. McCoy, Maud Reville, CordieWoolleyand William McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicants, Fannie May O'Quinn, Katie Thompson and Mary G. McCoy, should be enrolled as citizens by intermarriage of the Choctaw Nation under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicant, Agnes O'Quinn, Altha E. O'Quinn, Mark O'Quinn, Bertha May Barton, George Pope Barton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembroke Reville, John D. Woolley, James R. Woolley, Anina McCoy and Fay McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that the record herein establishes that application was made for the enrollment of John D. Thompson as a citizen by blood of the Choctaw Nation, and for the enrollment of Rena Geneva Thompson as a citizen by intermarriage of said nation, within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and that the same should now be determined upon its merits, and it is so ordered.

I am further of the opinion that the applications for the enrollment of John D. Thompson, Sarah Jane Darken, Myrtle M.

Burton and Gertrude Ki Burton as citizens by blood of the Chootaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applications for the enrollment of Franklin K. Burton, Charles K. Burton, Hank Geneva Thompson and William K. Percival as citizens by intermarriage of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition filed by John B. Thompson, September 26, 1902, in so far as it applies to John William Thompson and Hazel Maude Thompson should be considered as an application for the enrollment of said persons as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), that said application should be denied, and it is so ordered.

I am further of the opinion that the application for the enrollment of Ruby Graham, who the record shows died March 15, 1899, and for the enrollment of Ethelean S. Thompson and Marvinea Ella Percival, who the record shows died prior to September 26, 1902, should be dismissed, and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

D.C.M.

GAW

J.W.M.
J.W.M.
W.C.P.
F.W.L.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

March 1, 1909.

File 5-51.

The Commissioner
to the Five Civilized Tribes.

Sir:

January 25, 1909, you were advised that the names of certain persons were inadvertently included in Departmental letter of January 19, 1909 (File 5-51); that such mistake was due to the fact that it was supposed they were enrolled upon schedules approved by the Department, when in fact, the only schedules upon which their names appear were disapproved, and that no action should be taken under the circumstances looking to the erasure of interlineations or notations, if any, from the disapproved schedules, in connection with their names.

The names of the persons referred to in said letter of January 25, 1909, are as follows:

Cho daws by Blood.

	Roll NO.	
16103	16103	Elizabeth Allen.
	16112	George A. Bumgarner.
	16110	Lentitia Crutchfield.
	16106	Everett Crutchfield

16111	George W. Crutchfield.
16105	Ida Crutchfield.
16107	Ima Crutchfield.
16108	Louvinia Crutchfield.
16109	William Crutchfield.
921	Josephine Laflore Long.
922	Jake Laflore Long.
16104	David Ritter.

It now appears from the records of the Secretary's Office that there was a schedule approved approved May 21, 1904, by the Secretary of the Interior, and that the approval then given was cancelled by said Secretary at a later date, to-wit, June 28, 1904.

The name of Elizabeth Allen appears upon the schedule which was approved May 21, 1904, opposite the number 15551. IdaCrutchfield's name appears opposite No. 15553, while the other members of the Crutchfield family were given the numbers immediately following that assigned to her.

You are requested to cause a report to be prepared showing whether the records of your office also show that an earlier schedule containing the names of said persons was approved May 21, 1904; also whether such approval was cancelled June 28, 1904. Please report also the reason for the attempted cancellation, and whetherprior notice was given thereof.

It appears further that, in connection with the names of Elizabeth Allen and the Crutchfield family on the roll approved May 21, 1904, the names of Ardella Hickman, Ida M. Southard and Grover Randall are also to be found.

In connection with said names, it is desired that you will report what action, in your opinion, should be taken concerning the first of said persons; also whether the said Ida M. Southard and Grover Randall, respectively, are identical with the Ida M. Southard whose name appears opposite No. 15880 in the printed rolls of citizens by blood of the Choctaw Nation, and the Grover Randall whose name appears on page 8 of Departmental letter of January 19, 1909 (File 5-51), opposite No. 15928.

As appears from the above list, there were other persons besides the said Allen and Crutchfields whose names were enrolled on schedules which were finally disapproved by the Department: for example, George A. Bumgarner, Josephine Laflore Long and Jake Laflore Long.

Please report whether the names of these persons appear upon any prior approved schedule; also why it was that the Commissioner to the Five Civilized Tribes enrolled them upon the schedule which was disapproved by the Department, showing whether the Commissioner enrolled them thereon, of his own motion, or under decision or instructions from the Department.

By comparison of the roll approved May 21, 1904, with the printed rolls of Choctaws by blood, the Department

finds that the numbers appearing thereon opposite the names of said persons were subsequently assigned to other citizens of the Choctaw Nation; thereby the series of roll numbers was kept perfect, but a material portion of the rolls was evidently sacrificed upon the supposition that it had become worthless. Inquiry arises in this connection as to whether there were other approved schedules which were subsequently disapproved and thrown aside. Accordingly, it is desired that you also cause a report to be prepared covering this feature of the matter, showing all persons embraced in similar cases, with recommendation as to what action should be taken as to them. This will necessitate a statement as to why their names were stricken or cancelled from the rolls, and whether such action was taken without prior notice.

There is still another matter concerning which the Department desires report to be made. It is observed that the words "No person enrolled at this number" are to be found not infrequently opposite consecutive numbers on the pages of the printed rolls; and you are requested to advise the Department whether such words were substituted for the names of individulas appearing on disapproved schedules, and if such is the case, whether such disapproved schedules were approved at any time by the Department; also whether favorable decisions were ever rendered by the Department as to such persons prior to their enrollment upon such disapproved schedules.

For the sake of expedition, a partial report should be rendered at once concerning the said Elizabeth Allen and the various members of the Crutchfield family named above. The other matters referred to herein can be disposed of by subsequent reports.

Very respectfully,

Jesse E. Wilson

Assistant Secretary.

Through the

Indian Office.

B, 294-1909

Muskogee, Oklahoma, April 22, 1909.

Subject:

Reporting on Departmental letter of March 1, 1909, relative to Franklin M.Harton et al. whose names were on schedules which were disapproved by the Department.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental letter of March 1, 1909 (File 5-61) in which reports were requested as to certain persons whose enrollment was disapproved by the Secretary of the Interior, and at whose numbers in the printed rolls appears the notation "No person enrolled at this number."

Reports have heretofore been made as to certain of the matters referred to in Departmental letter above named and I have the honor to state that the case of Franklin M. Harton, et al. comes within the class described, and to report therein as follows:

It appears from the records in the possession of this office that original application was filed with the Commission

to the Five Civilized Tribes on September 9 1896, under the provisions of the Act of Congress approved June 10, 1896 (29 Stat.,341) in a case entitled Sarah Jane Thompson and Martha Ann Thompson versus the Choctaw Nation, 1896 Choctaw Citizenship Case Number 1394, for the admission of Sarah Jane Thompson, now Darken, Benjamin Welch, Maultsie Welch, Walter Welch, John Darken, Martha Ann Thompson, now Marton, James William Marton, John F. Marton, Susie Marton, Marcissa Mila Thompson, now Percival, Jessee Percival, Taylor Percival, Forrest Percival, Rebecca Percival, Katie Percival, Nancy S. Thomson, now Vaughn, Mattie Vaughn, Callie Vaughn and Mannie Vaughn as citizens of the Choctaw Nation.

December 8, 1896, the Commissioner denied this application, from which decision no appeal was taken to the United States Court in Indian Territory as provided by the Act of Congress approved June 10, 1896.

Subsequent to this action of the Commission to the Five Civilized Tribes and prior to the time fixed for the closing of the rolls applications were made to the Commission on behalf of the following persons for enrollment as citizens by blood and intermarriage of the Choctaw Nation:

Secretary 3

Franklin M. Morton for enrollment as a citizen by intermarriage and for the enrollment of his wife, Mattie Morton, and his children, John Morton, James Morton, Rachel Morton, Mary M. Morton and Nancy Ella Morton, as citizens by blood, and for the enrollment of his step-mother, Narcissa S. Thompson, as a citizen by intermarriage of the Choctaw Nation.

William M. McCoy for the enrollment of himself and his children, Buford T. McCoy, Maud McCoy, Cordie McCoy and William McCoy as citizens by blood and for the enrollment of his wife, Mary G. McCoy, as a citizen by intermarriage of said nation.

William B. Percival for enrollment as a citizen by intermarriage, and for the enrollment of his wife, Narcissa Ella Percival, and his children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival and Sadie (Narcissa Sadie) Percival, as citizens by blood of the Choctaw Nation.

Charles B. Barken for enrollment as a citizen by intermarriage and for the enrollment of his wife, Sarah Jane Barken, and his minor children, John Henry Barken, Charles B. Barken, Myrtle M. Barken and Gertrude Barken, and his step-children, Benjamin Oliver Welch, Maultsy Loley and Walter Welch, and Willie Loley, daughter of Maultsy Loley, as citizens by blood

of the Choctaw Nation.

John T. Thompson for the enrollment of himself and his children, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, and John Moody Thompson, as citizens by blood and for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of the Choctaw Nation.

Nannie Vaughan for the enrollment of herself and her children, Nattie Vaughan, Callie Vaughan, Stella Vaughan and Roy Vaughan, as citizens by blood of the Choctaw Nation.

John T. O'Quinn and his minor daughter, Delphy (Ollie Odelphus)O'Quinn and Minnie L. Leddy as citizens by blood and for the enrollment of May O'Quinn, wife of John T. O'Quinn, as a citizen by intermarriage of said nation.

John D. Thompson for enrollment as a citizen by blood of the Choctaw Nation.

January 21, 1903, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of William H. Percival, his wife, Marciana Ella Percival, and his children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival and Rebecca Percival as citizens of the Choctaw Nation, together with the decision of that date, refusing all the applicants in the case, to the Department.

Secretary S

On the same date the record in the matter of the application of Nannie Vaughan for the enrollment of herself and her minor children, Hattie Vaughan, Callie Vaughan, Stella Vaughan and Roy Vaughan as citizens by blood of the Choctaw Nation, together with decision of that date, was transmitted to the Department.

September 26, 1906, there was filed with the Department a petition of Martha Harten relative to the right to enrollment of herself, her husband, Frances M. Harten, and her children, John F. Harten, James W. Harten, Rachel S. Harten, Mary M. Harten and Nancy E. Harten, as citizens of the Choctaw Nation.

In the original application for the enrollment of this family the name was spelled Horton while in the above petition the name is spelled Harten. The subsequent proceedings established that the name is correctly spelled Harten and it is so spelled hereafter.

September 26, 1906, there were also filed with the Department petitions on behalf of Nanie Foster,(formerly Vaughan) and her children, Sarah Jane Darken and her children, and John D. Thompson and his children, William E. Percival, et al.

The Department on April 4, 1906 (? ? D 13786-1906) directed the Commissioner to the Five Civilized Tribes to adju-

dicate the rights of John T. Thompson, et al. to enrollment as citizens by blood of the Choctaw Nation and to take further testimony in the case, if necessary.

April 5, 1906 (I T D 1513-1906) the Department set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of William B. Percival, et al. and instructed the Commissioner to make further investigation of the rights of the applicants to enrollment.

In its letter of the same date (I T D 1272-1905) the Department set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of Nannie Vaughan, et al. and directed the Commissioner to take further testimony in said case and readjudicate the same.

The Department, in its letter of April 17, 1906 (I T D 1745-1906) transmitted a letter from John T. O'Quinn, of Marlow, Indian Territory, of April 3, 1906, relative to his application for enrollment as a citizen of the Choctaw Nation, and stated that no reason was seen why his rights should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the Choctaw Nation.

In accordance with the above Departmental instructions, the principal applicants in these cases, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations

were notified that a hearing would be had in these cases at the office of the Commissioner to the Five Civilized Tribes, Muskogee, Indian Territory, on Monday, May 28, 1906, and in conformity with these notices proceedings were had at that time and place.

Applications were received by the Commissioner to the Five Civilized Tribes, under the Act of Congress approved April 26, 1906 (34 Stat.,137) for the enrollment of Agnes O'Quinn, Altha S. O'Quinn, Ollie Odolphus O'Quinn, Mark O'Quinn and Ruby O'Quinn, children of John T. O'Quinn and his wife, Fannie Way O'Quinn; George Pope Harton, child of Franklin M. Harton and Martha Ann Harton; Viola Maude Hunt, daughter of John Hunt and his wife, Rachel Susan Hunt, nee Harton; Bertha May Harton, daughter of John F. Harton and his wife, Susie Harton; Narcissa Sadie Percival, daughter of William E. Percival and Narcissa Ella Percival; Thomas Foster, child of Nannie Foster, formerly Vaughan, and her husband, Louis Foster; Thomas Pembrook Reville, and Clara May Reville, children of J. B. Reville and Maud Reville, nee McCoy; Amina McCoy and Fay McCoy, children of Buford T. McCoy and his wife, Geneva McCoy; John D. Wooley and James B. Wooley, children of Robert L. Wooley and his wife, Cordie Wooley, nee McCoy.

It appears from the Choctaw tribal rolls in the possession

Secretary 8

of this office that the following applicants in this case are identified upon the 1896 Census Roll of the Choctaw Nation:

John T. O'Quinn (as T. M. O'Quinn), Minnie L. Leddy (as Winnie Liddy), John T. Thompson (as Jno. T. Thompson), Mary F. Thompson, William B. Thompson (as Wm. Thompson), Charles S. Thompson (as Charles Thompson), John M. Thompson (as Jno. M. Thompson), John Henry Darken (as Jno. Henry Darken), Charles B. Darken, Jr. (as Charles B. Darken), Benjamin Oliver Welch (as Benjamin Welch), Walter Welch, Maultay Loley (as Maulsey Lawley), Mattie Horton, Rachel Hunt (as Rachel E. Horton), John Horton (as Johnie Horton), James Horton (as Jimmie Horton) Mary M. Horton, Narcissa Nila Percival (as Narcissus Percivill) Jesse Percival (as Jesse Percivill), Taylor Percival (as Taylor Percivill), Forrest Percival (as Forrest Percivill), Katie Percival (as Kate Percivill), Rebecca Percival (as Rebecca Percivill), Mannie Vaughan (as Mannie Vaughn), Hattie Vaughan (as Hattie Vaughn), Callie Vaughan (as Callie Vaughn), Stella Vaughan (as Stella Vaughn), William H. McCoy, Buford T. McCoy, Maudie McCoy, Cordie McCoy and William McCoy, Katie Thompson (as Kate Thompson), Mary G. McCoy and C. B. Darken.

November 17, 1906 (I T D 13807-1906) the Department requested an immediate report as to the status of the Choctaw enrollment cases of John T. Thompson, et al., William H. McCoy,

et al., Charles B. Durkin, et al., Franklin M. Harton, et al., William H. Percival, et al., Nannie Foster (formerly Vaughan) et al. and John T. O'Quinn, et al.

December 11, 1906, this office reported that the case of William M. McCoy, et al. had been consolidated with the case of John T. Thompson, et al. and these cases were then receiving consideration and would be forwarded for Departmental action at an early date.

January 24, 1907, the Indian Office transmitted this report to the Department and advised that the record had not, up to that time, been received. January 31, 1907 (I T D 1682-1907) the Department requested to be advised at once the status of this case. February 18, 1907, this office advised that the application of John T. Thompson et al. for enrollment as citizens of the Choctaw Nation was consolidated with the case of Franklin M. Harton, et al. and the record in the case, together with the decision of January 10, 1907, and schedules comprising the names of persons whose applications for enrollment were granted therein were forwarded to the Department through the Indian Office January 19, 1907.

January 10, 1907, following the ruling of the Department of April 4, 1906 (I T D 4222-1906) in the case of Mary E. O'Quinn, et al., the Commissioner rendered a decision holding

that the applicants herein who were of Choctaw blood, who were residents in good faith of the Indian Territory, June 28, 1898, and whose names appeared upon the 1896 Choctaw Census Roll, and their descendants born since said roll was made and those persons who were married to any of these applicants in accordance with the laws of the Choctaw Nation should be enrolled as citizens of the Choctaw Nation, and those persons whose names did not appear on the 1896 Choctaw Census Roll, and who were not descendants of persons whose names appeared upon said roll, born since the date thereof, and those intermarried applicants who were not married to their Indian spouses in accordance with the laws of the Choctaw Nation, should be denied.

The decision therefore granted the applications for the enrollment of John T. O'Quinn, Ollie Odolphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles B. Darken Jr., Benjamin Oliver Welch, Walter Welch, Maultsy J. Lawley, Willie May Lawley, Mattie Harton, John Harton, Rachel Harton, James Harton, Mary E. Harton, Nancy Ella Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Fareisea Sadie Percival, Mannie Vaughan, Mattie Vaughan,

Callie Vaughan, Stella Vaughan, Roy Vaughan, William H. McCoy, Buford T. McCoy, Maud Reville, Cordia Woolley and William McCoy as citizens by blood and Fannie May O'Quinn, Katie Thompson and Mary O. McCoy as citizens by intermarriage of the Choctaw Nation, under the provisions of the Act of Congress approved July 1, 1902.

The applications for the enrollment of Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembrook Reville, John D. Woolley, James H. Woolley, Anima McCoy and Fay McCoy as minor citizens by blood of the Choctaw Nation were also granted under the provisions of the Act of Congress approved April 26, 1906.

The applications for the enrollment of John D. Thompson, Sarah Jane Darken, Myrtle E. Darken and Gertrude M. Darken as citizens by blood and Franklin M. Harton, Charles B. Darken, Emma Geneva Thompson and William E. Persival as citizens by intermarriage of the Choctaw Nation were denied under the provisions of the Act of Congress approved July 1, 1902.

The applications for the enrollment of John William Thompson and Hazel Maude Thompson under the provisions of the Act of Congress approved April 26, 1906, were denied and the

applications for the enrollment of Ruby O'Quinn and Narcissa H. Thompson and Narcissa Ella Percival, who died prior to September 25, 1902, were dismissed.

January 19, 1907, the record in this case, together with the decision of the Commissioner of January 10, 1907, was transmitted to the Department.

There also accompanied this letter three letters to the Department under date of January 17, 1907, as follows:

> Letter transmitting schedule of citizens by blood of the Choctaw Nation, Numbers 15066 to 16101, inclusive.
>
> Letter transmitting schedule of citizens by marriage of the Choctaw Nation, Numbers 1623 to 1625, inclusive.
>
> Letter transmitting schedule of minor citizens by blood of the Choctaw Nation, under Act of April 26, 1906, Numbers 844 to 856, inclusive.

The Commissioner advised that since the preparation of these schedules the office was in receipt of Departmental letter of January 15, 1907, directing suspension of action relative to enrollment and allotment of lands to any of the applicants in the Mississippi Choctaw case of William C. Thompson, et al. and reported that the persons included in the decision in the Choctaw enrollment case of Franklin M. Harton, et al. occupied an analogous status to the persons embraced in the Mississippi Choctaw case of William C. Thompson, et al.

Secretary 13

This office requested, if the decision of January 10, 1907, were affirmed by the Department, that the schedules transmitted by approved and the office notified as early as practicable of Departmental action thereon.

February 6, 1907, this office transmitted appeal and brief filed by H. A. Apple, attorney at law, Ardmore, Indian Territory, for consideration in connection with this case and in accordance with his request there were attached to his brief copies of the roll cards of John Thompson, Choctaw D 858 and Henry Thompson, Chickasaw roll card number 1235.

February 26, 1907, referring to Departmental letter of February 23, 1907, requesting this office to forward a list of those persons whose enrollment should be cancelled in view of the opinion of the Attorney General of the United States of February 19, 1907, in the Choctaw enrollment cases of Leula West and William C. Thompson, the Commissioner to the Five Civilized Tribes reported that the case of Franklin M. Harton, et al. was analogous to the case of William C. Thompson, et al. and recommended that his decision of January 10, 1907, in so far as the same was favorable to the applicants, and the schedules above described, all transmitted with letter of January 19, 1907, be disapproved by the De-

partment.

February 28, 1907 (Land 15812-1907) the Indian Office transmitted the report of this office of January 19, 1907, and the record and decision in the case of Franklin M. Harton, et al. and recommended, in view of the decision of the Department of Justice of February 19, 1907, in the case of William C. Thompson, et al. that the decision of the Commissioner of January 10, 1907, be reversed as to the applicants enrolled therein and that all of the applicants be denied enrollment as citizens of the Choctaw Nation.

March 2, 1907 (I T D 6588-1907) the Department denied the applications for the enrollment of all the parties to this case.

March 4, 1907 (I T D 2080,2716,3000,6915-1907), in accordance with the recommendation of this office of February 26, 1907, the schedule of

Choctaws by blood, Numbers 16066 to 16101, inclusive,

Choctaws by marriage Numbers 1623 to 1625, inclusive,

Minor Choctaws (April 26,1906) Numbers 844 to 856 inclusive

were disapproved by the Department. These schedules were transmitted to the Department with Indian Office letters of January 31,1907 (Land 7293-1907), February 7, 1907 (Land 7291-

Secretary 15

1907) and February 11, 1907 (Land 7280-1907).

Inasmuch as these persons were never on an approved roll no formal allotments were ever made to them. Applications for certain lands were made by one or two of the applicants in this case which were involved in contest cases which were dismissed March 4, 1907.

This office was not advised of any favorable action ever having been taken by the Department in this case.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

AB

W H L

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. Jun 7 1909

Land
31748-1909
J R D

Enrollment case of
Franklin M. Harton
et al.

The Commissioner

to the Five Civilized Tribes,

Muskogee, Oklahoma.

Sir:

Referring to your report of April 22, 1909, relative to the consolidated Choctaw enrollment case of Franklin M. Harton et al. you are advised that on June 2, 1909, the Department held that the case mentioned is not analogous to that of John M. Goldsby (211 U. S. 249), and therefore declined to take any action looking to the enrollment of any of the applicants therein as citizens of the Choctaw Nation. A copy of approved Office letter of June 1, 1909, is inclosed for your further information.

You are requested to notify the proper persons of this action of the Department.

Very respectfully,

C. F. Hauke

Chief Clerk.

EMMc0-4
1870

Land
32748-1909
J E D

June 1 1909

Enrollment case of Franklin
M. Harton et al.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of March 1, 1909 (File 5-2 there is transmitted herewith a report of April 23, 1909, from the Commissioner to the Five Civilized Tribes relative to the consolidated Choctaw enrollment case of Franklin M. Harton, et al. The record and other papers are also inclosed. From the Commissioner's report it does not appear that the names of any of the applicants in the consolidated case above named were ever placed on any roll of Choctaw citizens prepared by the Commission or the Commissioner to the Five Civilized Tribes and approved by the Department, or that the Department ever rendered any decision favorable to their enrollment.

The office is of the opinion that the case of Franklin M. Harton et al is not analogous to that of John M. Goldsby (211 U. S. 249) and therefore recommends that the Department take no action looking to their enrollment.

Very respectfully,

E. G. Valentine

Acting Commissioner.

MCMcC-27

June 2, 1909.

APPROVED:

Frank Pierce

First Assistant Secretary.

Choctaw 6063
Choctaw Minor
971

Muskogee, Oklahoma, June 16, 1909.

Mrs. Nannie Foster,

Nicomekah, Oklahoma,

Madam:

You are hereby advised that on June 2, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Franklin M. Barton et al., with which your case was consolidated, is not analogous to that of John M. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Commissioner.

AB

7-R-726

Muskogee, Indian Territory, July 7, 1906.

Apple & Franklin,
Attorneys at Law,
Muskogee, Indian Territory.

Dear Sirs:-

Receipt is hereby acknowledged of the affidavits of Nannie Foster and P. M. Wattrip to the birth of Thomas Foster, child of Louis and Nannie Foster, June 6, 1906, and the same have been filed in the matter of the enrollment of said child.

Respectfully,

Commissioner.

Choc. Minor 972

Agnes O'Quin

Mark "

Altha "

M972

Granted 1-10-07.

Record forwarded Dept. 1-19-07.

3-4-07 Decision of Commissioner reversed by Dept. and schedules containing applicants names disapproved.

3-1-09 Dept. requests report.

4-22-09 Report to Dept.

6-2-09 Dept. holds case is not analogous to Goldsby case and declines to take action looking to enrollment of applicant.

6-16-09 Parties notified.

(COPY)

M A R R I A G E L I C E N S E

No. 288

United States of America)
) ss.
Indian Territory, Southern District) To any Person Authorized By Law to Solemnize Marriage, Greeting:

YOU ARE HEREBY COMMANDED to solemnize the Rite and publish the Banns of Matrimony between Mr. JNO. T. OQUIN of Marlow in the Indian Territory, aged 23 years and M MAY CALHOUN of Marlow in the Indian Territory, aged 18 years, according to law; and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal, this 24th day of August A. D. 1895.

(SEAL)

J. W. Phillips
Clerk of the United States Court.

CERTIFICATE OF MARRIAGE

United States of America,)
) SS. I, C. M. Wyatt, a M.G.
Indian Territory, Southern District.)

do hereby certify that on the 29th day of August A. D. 1895, I did duly and according to law, as commanded in th e foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 29th day of August, A D. 1895.

My credentials are recorded n the office of the Clerk of the United States Court, Indian Territory, Southern District, at Ardmore, Book ....., Page .....

C. M. Wyatt

MAY 14 1906

IN RE APPLICATION for enrollment as a citizen of the Chactaw Nation of Agnes Quinn born on the 25 day of March 1904 Name of Father: John T Quinn a citizen of the Chactaw Nation. Name of Mother Francis May Quinn a citizen of the Chactaw Nation.

Post Office, Marlow I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA :
Indian Territory :
SOUTHERN DISTRICT . . :

I Francis May Quinn on oath state that I am 26 yrs old and a citizen by blood of the Chactaw Nation that I am the lawful wife of John T Quinn who is a Citizen by blood of the Chactaw Nation that a Female Child was born to me on the 25 day of March 1904 that said child has been named Agnes Quinn and is now living.

Francis May Quinn

Subscribed and sworn to be fore me this the 7th day of May 1904,

Geo E. Busby
N. PP.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MIDWIFE

UNITED STATES OF AMERICA :
Indian Territory :
SOUTHERN DISTRICT . :

I, _____ a Physician on oath state that I attended on Mrs Francis May Quinn wife of John T Quinn on the 25 day of March 1904 that there was born to her on the said date a Female child that said child is now living and said to have been named Agnes Quinn.

R L Montgomery

Subscribed and sworn to before me this the 2nd day of May 1904.

Geo E Busby
N. P.

MAY 14 1906

IN RE APPLICATION for enrollment as a citizen of the Choctaw Nation of Mark Lee Alpin born on the 8 day of Dec 190 4 Name of Father: John F Alpin citizen of the Choctaw Nation. Name of Mother Francis May Alpin a citizen of the Choctaw Nation.

Post Office, Marlow

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA
Indian Territory
SOUTHERN DISTRICT . .

I Francis May Alpin on oath state that I am 26 yrs old and a citizen by blood of the Choctaw Nation that I am the lawful wife of John F Alpin who is a Citizen by blood of the _____ Nation that a Male Child was born to me on the 8 day of Dec 1903 that said child has been named Mark Lee Alpin and is now living.

_____

Subscribed and sworn to before me this the 26 day of May 1904.

Francis May Alpin
_____, N. PP.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MIDWIFE

UNITED STATES OF AMERICA
Indian Territory
SOUTHERN DISTRICT .

I, _____ a Physician on oath state that I attended on Mrs Francis May Alpin wife of _____ John F Alpin on the 8 day of Dec 1904 that there was born to her on the said date a Male child that said child is now living and said to have been named _____

Mark Lee Alpin

E L Montgomery

Subscribed and sworn to before me this the 26 day of May 1904.

Geo F Curtis

J.P.

FHR.

LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

RG-11370-1907
I.T.D. 6818-1907.
2020-2716-2000-07.

March 4, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the recommendation contained in your letter of February 26, 1907, the schedule of

Cherokee by blood, Nos. 16066 to 16101 inclusive;

Cherokee by marriage, Nos. 1623 to 1626 inclusive; and

Minor Cherokee (April 26, 1906), Nos. 844 to 856, inclusive,

have been disapproved, and also in view of the opinion of the Attorney-General of February 19, 1907. These schedules were received with Indian Office letters of January 31, 1907 (Land 7292-07), February 7, 1907 (Land 7291-07), and February 11, 1907 (Land 7290-07), and have been returned to that office.

Respectfully,

E. A. Hitchcock,

Secretary.

18 inc. for Ind. Of. with copy hereof.

7-B-725
686
73
206
217
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23-971 DEPARTMENT OF THE INTERIOR,
974 COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
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978
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1001

In the matter of the application for the enrollment of FRANKLIN M. HARTON, et al, as a citizen of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that in the year of 1899, application was made by Franklin M. Horton at South McAlester, Indian Territory, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Mattie Horton, and his children, John, James, Rachel, Mary M. and Nancy Ella Horton, as citizens by blood of said nation; and for the enrollment of his step-mother, Narcissa S. Thompson, as a citizen by intermarriage of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at South Canadian, Indian Territory, in September 1899, by William H. McCoy, for the enrollment of himself and his children, Buford T. McCoy, Maud McCoy, Gordie McCoy and William McCoy as citizens by blood of the Choctaw nation, and for the enrollment of his wife, Mary C. McCoy, as a citizen by intermarriage of said nation, that application was made by William R. Perceival at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Narcissa Ella Perceival, and his minor children, Jesse, Taylor, Forrest, Katie and Rebecca Perceival, as citizens by blood of the Choctaw Nation, that on December 10, 1902, written application was made for the enrollment of Sadie Perceival as a citizen by blood of the Choctaw Nation. Subsequent proceedings show that the correct name of said applicant is Narcissa Sadie Perceival. Application was made by Charles P. Barton at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Sarah Jane Barton, and his minor children, John Henry, Charles P. Myrtle E. and Gertrude Barton, and for the enrollment of Benjamin Oliver Welch, Maultsy Loley and Walter Welch, children of the said Sarah Jane Barton, and for the enrollment of Willie Loley, minor daughter of Maultsy Loley, as citizens by blood of said nation; that application was made to the Commission to the Five Civilized Tribes by John T. Thompson at Calbert, Indian Territory, on June 21, 1900, for the enrollment of himself and his minor children, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson and John

Woody Thompson, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of said nation; that application was made to the Commission to the Five Civilized Tribes at South McAlester, Indian Territory, in the year 1899, by Mannie Vaughan, for the enrollment of herself and her minor children, Mattie, Callie, Stella and Roy Vaughan, as citizens by blood of the Choctaw Nation; that application was made in September, 1899, to the Commission to the Five Civilized Tribes by Thomas J. O'Quinn, for the enrollment (among others) of John T. O'Quinn and his minor daughter, Delphy O'Quinn, and Minnie L. Leddy as citizens by blood of the Choctaw Nation, and for the enrollment of May O'Quinn, wife of John T. O'Quinn, as a citizen by intermarriage of said Nation. Subsequent proceedings show that the correct name of the applicant Delphy O'Quinn is Ollie Odelphus O'Quinn.

It also appears that application was made in September, 1899, to the Commission to the Five Civilized Tribes, for the enrollment of John D. Thompson as a citizen of the Choctaw Nation, as is evidenced by the fact that in the testimony of F. N. Horton before the Commission at South McAlester, Indian Territory, in September, 1899, appears a statement made by Commissioner McKennon, as follows:

> "The name of Narcissa S. Thompson also appears upon the roll of 1896, page 401, No. 15111, as an intermarried citizen, who is the mother of Mrs. Horton, who was never intermarried with a recognized citizen of the Choctaw Nation and is a white woman. Her enrollment is also refused.
>
> A son, John D. Thompson, whose case is exactly that of the Hortons above stated, and whose enrollment is also refused.
>
> The name of F. N. Horton is also found upon the roll of intermarried persons of 1896, page 390, No. 14658, he being the husband of Mattie Horton, whose enrollment is also refused."

On January 21, 1906, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of William E. Percival as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Narcissa Ella Percival, and his minor children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival and Rebecca Percival, as citizens by blood of the Choctaw Nation, together with the decision of the same date, rejecting all of the applicants in said case.

On the same date the Commission to the Five Civilized Tribes transmitted to the Department the record in the matter of the application of Mannie Vaughan for the enrollment of herself and her minor children, Mattie, Callie, Stella and Roy Vaughan as citizens by blood of the Choctaw Nation, together with the decision of the Commission of the same date denying said application.

On September 26, 1906, there was filed with the Department a petition of Martha Horton, relative to the right to enrollment of herself, her husband, Frances M. Horton, and her children, John F. Horton, James W. Horton, Rachel R. Horton, Mary M. Horton, and Nancy E. Horton, as citizens of the Choctaw Nation.

It will be noticed that in the original application for the enrollment of this family, the name was spelled Horton, while

in the above petition said name is spelled Harton. Subsequent proceedings have established that said name is correctly spelled Herton, and said name will hereafter in this decision be spelled accordingly.

On September 26, 1906, there was filed with the Department a petition of Nannie Foster (formerly Vaughan) relative to the right to enrollment of herself and her children, Mattie Vaughan, Callie Vaughan, Nannie Vaughan, Roy Vaughan and Thomas Clide Foster, as citizens of the Choctaw Nation.

On the same date there was filed with the Department a petition of William E. Percival, relative to the right to enrollment of himself as an intermarried citizen of the Choctaw Nation, and his wife, Narcissie Ella Percival, and their children, Jessie Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival and Narcissie Sadie Percival, as citizens of the Choctaw Nation.

On the same date there was filed with the Department a petition of Sarah Jane Darken, relative to the right to enrollment of herself and her children, Benjamin Oliver Welch, Maultsia J. Welch, Walter P. Welch, John Henry Darken, Charles Bradley Darken, Myrtle Elvy Darken, and Gertrude M. Darken, as citizens of the Choctaw Nation, and for the enrollment of her husband, Charles B. Darken, as a citizen by intermarriage of the Choctaw Nation.

On the same date there was filed with the Department a petition of John D. Thompson relative to the right to enrollment of himself as a citizen of the Choctaw Nation, in which he states:

> "I was married March 8, 1897, to Emma C. Weir, and as an issue of said marriage the following named children were born, John William Thompson, born July 9, 1899, and Hazen Maud Thompson was born June 19, 1903."

While none of said petitions conclude with a prayer, they will be considered for the purpose of this decision as petitions for the enrollment of the persons mentioned therein as citizens by blood or intermarriage of the Choctaw Nation.

The Department in its letter of April 4, 1906 (I. T. D. 13766-1906), directed the Commissioner to the Five Civilized Tribes to adjudicate the rights of John T. Thompson, et al., to enrollment as citizens by blood of the Choctaw Nation, and instructed said Commissioner to take further testimony in the case if necessary.

The Department in its letter of April 5, 1906 (I. T. D. 1313-1906), set aside the decision of the Commissioner to the Five Civilized Tribes on January 21, 1906, in the case of William E. Percival, et al., and instructed the Commissioner to make further investigation of the right of the applicants in said case to enrollment.

The Department in its letter of the same date (I. T. D. 1272-1906), set aside the decision of the Commissioner to the Five Civilized Tribes of January 21, 1906, in the case of Nannie Vaughan, et al., and instructed the Commissioner to take further testimony in said case and to readjudicate the same.

The Department in its letter of April 17, 1906 (I. T. D. 1748-1906), transmitted a letter from John T. O'Quinn of Marlow,

Indian Territory, dated April 5, 1906, relative to his application for enrollment as a citizen of the Choctaw Nation, claiming his name was included as one of the applicants in the case of William C. Thompson, et al., and stated that no reason was seen why the rights of John T. O'Quinn should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the Choctaw Nation.

On May 4, 1906, John T. O'Quinn and Mansfield McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, were notified that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at nine o'clock A. M., hear the testimony of such witnesses as he might desire to present tending to establish his right to enrollment as a citizen by blood of the Choctaw Nation.

On May 16, 1906, John T. Thompson, Marlow, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at ten o'clock A.M., hear the testimony of such witnesses as he might desire to present in the matter of his application for enrollment as a citizen of the Choctaw Nation.

On the same date Sarah Jane Darken and Martha Harton were also notified to appear at the office of the Commissioner at ten o'clock A. M., on Monday, May 28, 1906, for the purpose of introducing testimony in support of the application for the enrollment of said Sarah Jane Darken and Martha Harton and families as citizens of the Choctaw Nation, it appearing that said Sarah Jane Darken and Martha Harton were sisters of said John T. Thompson and that application for the enrollment of said parties and their families as citizens of the Choctaw Nation had been made prior to December 25, 1902. Notice of said hearing was also forwarded the attorneys for the Choctaw and Chickasaw Nations.

On the same date William H. McCoy and Mansfield, McMurray & Cornish were notified that the Commissioner would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at ten o'clock A. M., hear the testimony of witnesses in support of the application for the enrollment of said William H. McCoy and his family as citizens of the Choctaw Nation.

On the same date Nannie Vaughan (now Nannie Foster), Talihina, Indian Territory, and Mansfield, McMurray & Cornish, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at eleven o'clock A. M., on Monday, May 28, 1906, hear the testimony of witnesses in support of the application for the enrollment of said Nannie Vaughan (now Foster) and children as citizens of the Choctaw Nation.

On the same date William E. Percival, Marlow, Indian Territory, and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at one o'clock P. M., Monday, May 28, 1906, hear the testimony of witnesses in support of the application of said William E. Percival and family as citizens of the Choctaw Nation.

On May 23, 1906, there was filed with the Commissioner to the Five Civilized Tribes a petition signed by Mary E. O'Quinn, relative to the right to enrollment of John T. O'Quinn and his children, Ollie, Odelphus O'Quinn, Ruby O'Quinn, Agnes O'Quinn, Mark O'Quinn, and Alpha S. O'Quinn as citizens by blood of the Choctaw Nation, and Fannie May O'Quinn as a citizen by intermarriage of said nation.

In conformity with the above notices a hearing was had at the office of the Commissioner May 28, 1906, at which time testimony was taken relative to the rights of Minnie Lee Leddy, John D. Thompson and his two minor children, John WILLiam Thompson and Hazel Maud Thompson, as citizens by blood of the Choctaw Nation. At said hearing Wirt Franklin of the firm of Apple & Franklin, Muskogee, Indian Territory, represented the petitioners. No appearance was entered by or on behalf of the Choctaw and Chickasaw Nations.

Applications were received by the Commissioner to the Five Civilized Tribes for the enrollment of the following persons as citizens of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137): May 8, 1906, Agnes O'Quinn, born March 25, 1900; Altha S. O'Quinn, born July 8, 1905; Ollie Odelphus O'Quinn, born August 23, 1896; Mark O'Quinn, born December 9, 1902; May 14, 1906, Ruby O'Quinn, born September 12, 1898, children of John T. O'Quinn, and his wife, Fannie May O'Quinn. The application for the enrollment of Ruby O'Quinn shows that said applicant died March 15, 1899. May 28, 1906, George Pope Harton, born March 2, 1906 minor child of Franklin M. Harton and Martha Ann Harton; Viola Maude Hunt, born August 17, 1905, daughter of John Hunt and his wife, Rachel Susan Hunt (nee Harton); Bertha May Harton, born February 10, 1906, minor daughter of John F. Harton and his wife, Susie Harton; Narcissa Sadie Percival, born October 2, 1899, minor daughter of William H. Percival and Narcissa Ella Percival; June 13, 1906, Thomas Foster born June 6, 1906, minor child of the applicant, Mannie Foster, formerly Vaughan, and her husband, Lewis Foster, June 18, 1906, Thomas Pembroch Reville, born August 17, 1904; Clara May Reville, born March 25, 1900, minor children of J. N. Reville and Maud Reville (nee McCoy); Amina McCoy, born July 22, 1902, and Fay McCoy, born June 12, 1905, children of Buford T. McCoy and his wife, Geneva McCoy; John D. Wesley, born February 4, 1902, and James B. Wesley, born April 30, 1904, children of Robert L. Wesley and his wife, Cordie Wesley (nee McCoy).

It appears from the records in the possession of the Commissioner to the Five Civilized Tribes that original application was filed with the Commission to the Five Civilized Tribes on September 9, 1896, for the admission of the following persons to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321):

Sarah Jane Thompson, nee Barker,
Benjamin Welch,
Manitaie Welch,
Walter Welch,
Johnny Barker,
Martha Ann Thompson, nee Harton,

James William Harton,
John F. Harton,
Susie Harton,
Narcissa Ella Thompson, now Percival,
Jessee Percival,
Taylor Percival,
Forrest Percival,
Rebecca Percival,
Katie Percival,
Nancy S. Thompson, now Vaughn,
Hattie Vaughn,
Callie Vaughn, and
Nannie Vaughn.

The records in the possession of the Commissioner further show that on December 8, 1896, said application was denied (1896 Choctaw Citizenship Case No. 1394, entitled Sarah Jane Thompson and Martha Ann Thompson vs. Choctaw Nation). From this decision no appeal was taken.

The record herein shows that the applicant, Charles B. Darken, was married in the year 1887 to Sarah Jane Darken, in accordance with the laws of the United States, and that on October 16, 1896, said applicants were remarriedin accordance with the laws of the Choctaw Nation; that prior to her marriage to Charles B. Darken, said Sarah Jane Darken was married to Frank Welsh, from whom she was lawfully divorced on November 6, 1886. The applicant, John T. O'quinn, was lawfully married on August 27, 1895, to Fannie May Calhoun; that the applicant, John T. Thompson, was lawfully married on February 17, 1887, to Katie Calhoun; that the applicant, Franklin M. Harton, was married in the year 1880, to the applicant, Mattie Harton, but said marriage was not performed in accordance with the laws of the Choctaw Nation; that the applicant, John Harton, since his application for enrollment in 1899, was married to one Susie Girty, who is enrolled as a citizen by blood of the Cherokee Nation, opposite No., 17600; that the applicant, Bertha May Harton, is the issue of said marriage, and that election was made by said John Harton for the enrollment of said Bertha May Harton as a citizen of the Choctaw Nation; that the applicant, William E. Percival, was marriedin the year 1884 to Narcissa Ella Percival; that said marriage was not performed in accordance with the laws of the Choctaw Nation; said Narcissa Ella Percival died September 5, 1902. The applicant, John D. Thompson, was married in the year 1896, to Emma Geneva Weir. The applicant, Mary G. McLaurine, was married February 2, 1876, to William H. McCoy.

The principal applicants with their families have resided continuously in the Choctaw-Chickasaw country since several years prior to 1896.

The names of the applicantsdo not appear on any of the tribal rolls of the Choctaw Nation in the possession of the Commissioner to the Five Civilized Tribes except the 1896 Choctaw Census Roll, upon which appears the names of certain of the applicants, as follows:

John T. O'quinn (as T. K. O'Quinn)	Opposite No., -10029
Minnie L. Leddy (as Minnie Liddy)	8414
John T. Thompson (as Jno. T. Thompson)	12589
Mary F. Thompson	12590
William B. Thompson (as Wm. Thompson)	12591.

Charles S. Thompson (as Charles Thompson)	Opposite No.,-13532
John M. Thompson (as Jno.M.Thompson)	13533
John Henry Darton (as Jno. Henry Darton)	3626
Charles B. Darton, Jr. (as Charles B. Darton)	3627
Benjamin Oliver Welsh (as Benjamin Welsh)	14020
Walter Welsh	14021
Maulsby Lolley (as Maulsey Lawley)	8348
Mattie Horton	8993
Ruebel Hunt (as Ruebel S. Horton)	8994
John Horton (as Johnie Horton)	8995
James Horton (as Jimmie Horton)	8996
Mary M. Horton	8997
Marcissus Ella Perceival (as Marcissus Percivill)	10564
Jesse Perceival (as Jesse Percivill)	10565
Taylor Perceival (as Taylor Percivill)	10566
Forrest Perceival (as Forrest Percivill)	10567
Katie Perceival (as Kate Percivill)	10568
Rebecca Perceival (as Rebecca Percivill)	10569
Bonnie Vaughan (as Bonnie Vaughn)	13531
Mattie Vaughan (as Mattie Vaughn)	13532
Callie Vaughan (as Callie Vaughn)	13533
Stella Vaughan (as Stella Vaughn)	13534
William L. McCoy	9307
Buford T. McCoy	9308
Maudie McCoy	9309
Gertie McCoy	9310
William McCoy	9311

The name of Katie Thompson appears upon said roll as Kate Thompson, opposite No. 10126, as a citizen by intermarriage of the Cherokee Nation. The name of Mary C. McCoy also appears on said roll opposite No. 10308, as a citizen by intermarriage of the Cherokee Nation. The name of S. L. Darton also appears on said roll opposite No. 14020, as a citizen by intermarriage of the Cherokee Nation.

The name of the applicant, Sarah Jane Darton, does not appear upon the 1896 Cherokee Census Roll in the possession of the Commissioner to the Five Civilized Tribes. On September 21, 1906, there was filed with the Commissioner the affidavit of Wirt Franklin, executed September 20, 1906, in which he states that the Acting Commissioner who considered the hearing in this case failed to identify upon the 1896 Cherokee Census Roll the name of Sarah Jane Darton, but that he identify upon the enrollment the names of her children who were then living; that as attorney for the applicants he asked for the "roll of citizens by blood of Pickens County, Indian Territory, of September 25, 1896", prepared by three Commissioners for that county, who were appointed under an act of the Cherokee Council approved September 26, 1890; that said roll was brought forth; that he examined the same and found on page 20 thereof the names of Sarah J. Darton, age 34, Benjamin Welsh, age 17, and Walter Welsh, age 14; John Henry Darton, age 8 and Charles B. Darton, age 5, that opposite the name of Sarah J. Darton is written in a different hand than that in which the word "deceased"; that opposite the names of the others there appears the letters "D.C.", also written with lead pencil; while the names themselves were written with pen and ink; that he asked the Acting Commissioner at the time these names were found by the said county

roll to make a statement in the record which was then being made in this citizenship case, setting forth what this roll showed in regard to these applicants, but he not only refused to make the statement in the record himself, but denied the affiant the right to do so as attorney for the applicants. The roll referred to in said affidavit is a book designated as "Choctaw Census Roll, No. O", and endorsed on the outside cover thereof "Choctaws residing in Chickasaw Nation; Memorandum Roll; Roll O". Said book has never been considered by the Commission to the Five Civilized Tribes, or its successor, as an authentic roll of the citizens of the Choctaw Nation.

In the case of Nancy J. Murphy, et al, decidedadverse to the applicants by the Commission to the Five Civilized Tribes on January 26, 1903, it was stated as follows:

"It further appears that the name of the applicant (written Nancy Murphy) is found on page 344 on the original memorandum record kept by the Enumerator for Atoka County, Choctaw Nation, in making the 1896 Choctaw Census Roll under the heading "Doubtful, claims citizenship, but her name does not appear upon any of the recognized Choctaw tribal rolls in the possession of the Commission as a citizen of said Nation".

The Department in its letter of May 18, 1903 (I. T. D. 4342-1903) approved the decision of the Commission of January 26, 1903. The memorandum referred to in said case is the book mentioned in the affidavit of Mr. Franklin. Said book, together with a report concerning same, was forwarded to the Department with a letter of the Acting Commissioner to the Five Civilized Tribes dated September 1, 1906, returning certain petitions forwarded by the Department in its letter of May 7, 1906 (I. T. D. 5244-1906) relative to the application for the enrollment of Nancy J. Murphy, et al, as citizens of the Choctaw Nation.

The name of John D. Thompson does not appear upon the 1896 Choctaw Census Roll in the possession of the Commissioner to the Five Civilized Tribes. Besides the names of John M. Thompson and John T. Thompson mentioned above, the name of John Thompson appears upon the 1896 Choctaw Census Roll opposite No. 12504, Jacksfork County age 11 years. The age of the applicant John D. Thompson is given as 38 years. It is, therefore, clear that the applicant is not identical with the John Thompson whose name appears on the Choctaw Census Roll opposite No., 12504, Jacksfork County,

The name of John Thompson, age 27 years, Atoka County, also appears upon the 1896 Choctaw Census roll. It appears that in the preparation of said roll the names of the members of each family were grouped together.

Attached to the record herein is a copy of pages 324 and 326 of said roll upon which appears the name of John Thompson opposite No. 12455.

It will be noticed that the age of the applicant, John D. Thompson corresponds with the age of John Thompson, whose name appears on said roll opposite No. 12455. It will also be noticed that immediately following the name of John Thompson on the 1896 Choctaw Census Roll and opposite No. 12456 appears the name of Gertrude Thompson.

On February 15, 1906, this office addressed a letter to Gertrude Thompson at Hewitt, Indian Territory, requesting to be advised of the whereabouts of said John Thompson. On February 17 1906, said Gertrude Thompson addressed a letter to the Commissioner in which she stated that she knew nothing of such a person, unless it was John Henry Thompson, her husband, with whom she does not now reside; that said John Henry Thompson is a Chickasaw by blood instead of a Choctaw, and that she does not think that her name and said John Thompson's name have been placed together on any of the rolls since 1896.

On June 2, 1906, there was filed with the Commissioner by Apple & Franklin, the affidavit of Henry Thompson, in which he states that he is 31 years of age, and was the husband of Gertrude Thompson, a Choctaw citizen by blood. That he is a citizen by blood of the Chickasaw Nation; that his full name is John Henry Thompson, and that he has generally been known as Henry Thompson; that he never made an attempt to get on the 1896 Choctaw Census Roll because he is a Chickasaw by blood and was enrolled on the 1896 Chickasaw Census Roll, but he does not think his name appears on the 1896 Choctaw Census Roll for Atoka County; that it the name, John Thompson, appears on the Choctaw Census Roll, number 12455, he does not think it was meant for him, because he made no attempt to have his name placed on said roll, and does not know of any one else giving his name to the enumerators.

The name of Henry Thompson appears upon the 1896 Chickasaw Census Roll, and upon the final roll of citizens by blood of the Chickasaw Nation approved by the Secretary of the Interior opposite No. 3594.

Granting the truth of the statement contained in the affidavit of Henry Thompson that his name was placed on the 1896 Chickasaw Census Roll and that he made no effort to have his name placed on the 1896 Choctaw Roll, it is not probable that this fact would have prevented the Census committee from placing his name upon said 1896 Choctaw Census Roll. It is evident from the letter of Gertrude Thompson, above referred to, that it was her understanding that the names of herself and her husband were placed upon the 1896 Choctaw Census Roll together, and the fact that the name of John Thompson was placed on said roll, together with said Gertrude Thompson, seems to clearly indicate that John Thompson is identical with John Henry Thompson, and therefore, not identical with John D. Thompson. It also appears from the testimony of John Thompson on May 28, 1906, that he was not living in the Choctaw Nation in the year 1896 but was living in the Comanche country. It will be observed that the age of John Thompson appears on the 1896 Choctaw Census Roll as 27 years, while the age of Henry Thompson is given inhis evidenceof May 30 1906, as 31 years. This discrepancy, however, is easily accounted for by the fact that said Henry Thompson states that he made no effort to have his name placed on said roll. The information concerning his age was, therefore, evidently obtained by the Census Committee from some third

person, and it is probable that his age might have been incorrectly given to said Committee.

It appears from the record herein that the applicant, Narcissa S. Thompson, died in August, 1901.

Following the ruling of the Department of April 4, 1906, (I. T. D. 4222-1906), in the case of Mary R. O'Quinn, et al., I am of the opinion that the applicants herein, who are of Choctaw blood, who were residents in good faith of the Indian Territory on June 28, 1898, and whose names appear upon the 1896 Choctaw Census Roll, and their descendants born since said roll was made, and those persons who were married to any of said applicants in accordance with the laws of the Choctaw Nation, should be enrolled as citizens of the Choctaw Nation.

I am further of the opinion that the applications for the enrollment of the applicants herein, whose names do not appear upon the 1896 Choctaw Census Roll, and who are not descendants of persons whose names do appear upon said roll, born since the date thereof, and those intermarried applicants who were not married to their Indian spouses in accordance with the laws of the Choctaw Nation, should be denied.

I am, therefore, of the opinion that the applicants, John T. O'Quinn, Ollie Odelphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles B. Darken, Jr., Benjamin Oliver Welch, Walter Welch, Maultay J. Lawley, Willie May Lawley, Mattie Harton, John Harton, Raghel Harton, James Harton, Mary M. Harton, Nancy Ella Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Nannie Vaughan, Hattie Vaughan, Cellie Vaughan, Stella Vaughan, Roy Vaughan, William H. McCoy, Buford T. McCoy, Maud Reville, Cordiewoolleyand William McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicants, Fannie May O'Quinn, Katie Thompson and Mary G. McCoy, should be enrolled as citizens by intermarriage of the Choctaw Nation under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicant, Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembreck Reville, John D. Woolley, James B. Woolley, Anina McCoy and Fay McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that the record herein establishes that application was made for the enrollment of John D. Thompson as a citizen by blood of the Choctaw Nation, and for the enrollment of Emma Geneva Thompson as a citizen by intermarriage of said nation, within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and that the same should now be determined upon its merits, and it is so ordered.

I am further of the opinion that the applications for the enrollment of John D. Thompson, Sarah Jane Darken, Myrtle R.

Barton and Gertrude M. Barton as citizens by blood of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applications for the enrollment of Franklin M. Barton, Charles B. Barton, Emma Geneva Thompson and William R. Percival as citizens by intermarriage of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition filed by John D. Thompson, September 26, 1906, in so far as it applies to John William Thompson and Hazel Maude Thompson should be considered as an application for the enrollment of said persons as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), that said application should be denied, and it is so ordered.

I am further of the opinion that the application for the enrollment of Ruby O'Quinn, who the record shows died March 15, 1899, and for the enrollment of Narcissa E. Thompson and Narcissa Nila Percival, who the record shows died prior to September 25, 1902, should be dismissed, and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

D.C.M.

GAW

J.W.M.
J.W.M.
W.C.P.
E.W.L.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

March 1, 1909.

File 5-51.

The Commissioner
to the Five Civilized Tribes.

Sir:

January 25, 1909, you were advised that the names of certain persons were inadvertently included in Departmental letter of January 19, 1909 (File 5-51); that such mistake was due to the fact that it was supposed they were enrolled upon schedules approved by the Department, when in fact, the only schedules upon which their names appear were disapproved, and that no action should be taken under the circumstances looking to the erasure of interlineations or notations, if any, from the disapproved schedules, in connection with their names.

The names of the persons referred to in said letter of January 25, 1909, are as follows:

The laws by Blood.

Roll No.		
16103	16103	Elizabeth Allen.
	16112	George A. Dungamer.
	16110	Lentitia Crutchfield.
	16106	Everett Crutchfield

16111	George V. Crutchfield.
16106	Ida Crutchfield.
16107	Ina Crutchfield.
16108	Louvinia Crutchfield.
16109	William Crutchfield.
921	Josephine Laflore Long.
922	Jake Laflore Long.
16104	David Ritter.

It now appears from the records of the Secretary's Office that there was a schedule approved approved May 21, 1904, by the Secretary of the Interior, and that the approval then given was cancelled by said Secretary at a later date, to-wit, June 28, 1904.

The name of Elizabeth Allen appears upon the schedule which was approved May 21, 1904, opposite the number 15551. IdaCrutchfield's name appears opposite No. 15553, while the other members of the Crutchfield family were given the numbers immediately following that assigned to her.

You are requested to cause a report to be prepared showing whether the records of your office also show that an earlier schedule containing the names of said persons was approved May 21, 1904; and whether such approval was cancelled June 28, 1904. Please report also the reason for the attempted cancellation, and whetherprior notice was given thereof.

It appears further that, in connection with the names of Elizabeth Allen and the Crutchfield family on the roll approved May 21, 1904, the names of Ardella Wickham, Ida M. Southard and Grover Randall are also to be found.

In connection with said names, it is desired that you will report what action, in your opinion, should be taken concerning the first of said persons; also whether the said Ida M. Southard and Grover Randall, respectively, are identical with the Ida M. Southard whose name appears opposite No. 15620 in the printed rolls of citizens by blood of the Choctaw Nation, and the Grover Randall whose name appears on page 8 of Departmental letter of January 19, 1909 (File 8-51), opposite No. 15928.

As appears from the above list, there were other persons besides the said Allen and Crutchfields whose names were enrolled on schedules which were finally disapproved by the Department: for example, George A. Bumgarner, Josephine Laflore Long and Jake Laflore Long.

Please report whether the names of these persons appear upon any prior approved schedule; also why it was that the Commissioner to the Five Civilized Tribes enrolled them upon the schedule which was disapproved by the Department, showing whether the Commissioner enrolled them thereon, of his own motion, or under decision or instructions from the Department.

By comparison of the roll approved May 21, 1904, with the printed rolls of Choctaws by blood, the Department

finds that the numbers appearing thereon opposite the names of said persons were subsequently assigned to other citizens of the Choctaw Nation; thereby the series of roll numbers was kept perfect, but a material portion of the rolls was evidently sacrificed upon the supposition that it had become worthless. Inquiry arises in this connection as to whether there were other approved schedules which were subsequently disapproved and thrown aside. Accordingly, it is desired that you also cause a r port to be prepared covering this feature of the matter, showing all persons embraced in similar cases, with recommendation as to what action should be taken as to them. This will necessitate a statement as to why their names were stricken or cancelled from the rolls, and whether such action was taken without prior notice.

There is still another matter concerning which the Department desires report to be made. It is observed that the words "No person enrolled at this number" are to be found not infrequently opposite consecutive numbers on the pages of the printed rolls; and you are requested to advise the Department whether such words were substituted for the names of individuals appearing on disapproved schedules, and if such is the case, whether such disapproved schedules were approved at any time by the Department; also whether favorable decisions were ever rendered by the Department as to such persons prior to their enrollment upon such disapproved schedules.

For the sake of expedition, a partial report should be rendered at once concerning the said Elizabeth Allen and the various members of the Crutchfield family named above. The other matters referred to herein can be disposed of by subsequent reports.

Very respectfully,

Jesse E. Wilson

Assistant Secretary.

Through the

Indian Office.

W R L

Land
31748-1909
J R D

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS, G.R.
WASHINGTON. Jun 7 1909

Enrollment case of
Franklin M. Harton
et al.

The Commissioner
to the Five Civilized Tribes,
Muskogee, Oklahoma.

Sir:

Referring to your report of April 22, 1909, relative to the consolidated Choctaw enrollment case of Franklin M. Harton et al. you are advised that on June 2, 1909, the Department held that the case mentioned is not analogous to that of John M. Goldsby (211 U. S. 249), and therefore declined to take any action looking to the enrollment of any of the applicants therein as citizens of the Choctaw Nation. A copy of approved Office letter of June 1, 1909 is inclosed for your further information.

You are requested to notify the proper persons of this action of the Department.

Very respectfully,

C. F. Hauke

Chief Clerk.

HCMcG-4
1870

Land
31748-1909
J R D

Jun 1 1909

Enrollment case of Franklin
M. Harton et al.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of March 1, 1909 (File S-51) there is transmitted herewith a report of April 22, 1909, from the Commissioner to the Five Civilized Tribes relative to the consolidated Choctaw enrollment case of Franklin M. Harton, et al. The record and other papers are also inclosed. From the Commissioner's report it does not appear that the names of any of the applicants in the consolidated case above named were ever placed on any roll of Choctaw citizens prepared by the Commission or the Commissioner to the Five Civilized Tribes and approved by the Department, or that the Department ever rendered any decision favorable to their enrollment.

The Office is of the opinion that the case of Franklin M. Harton et al is not analogous to that of John M. Goldsby (211 U. S. 249) and therefore recommends that the Department take no action looking to their enrollment.

Very respectfully,

R. G. Valentine
Acting Commissioner.

NCMcC-27
1961

June 2, 1909.

APPROVED:
Frank Pierce
First Assistant Secretary.

Choctaw 6056
Choctaw Miner
972.

Muskogee, Oklahoma, June 16, 1909.

Mr. John T. O'Quinn,

Marlow, Oklahoma;

Sir;

You are hereby advised that on June 2, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Franklin M. Harton et al., with which your case was consolidated, is not analogous to that of John M. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Commissioner.

AB

Choc. Minor 973
Kizzie Jones

M973

CHOCTAW.

217

IN RE

Application for Enrollment of

INFANT CHILD

Kizzie Jones

as a citizen of

Choctaw Nation.

Approved _____ 190

Commissioner.

ACT OF [illegible] MARCH 3, 1905

Born February 28 1905.

and U.S.

FILED

JUN - 1 1905

Chairman.

NEW BORN

MISS. CHOCTAW.

MAY 26 1905

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Kizzie Jones (Here insert name of child.), born on the 24 day of Feb, 1905

Name of Father: Henry Jones a citizen of the Choctaw Nation,

Name of Mother: Rhoda Jones a citizen of the Choctaw Nation.

Postoffice Leflore I T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Central DISTRICT. }

I, Rhoda Jones, on oath state that I am 27 years of age and a citizen by blood, of the Choctaw Nation; that I am the lawful wife of Henry Jones, who is a citizen, by blood, of the Choctaw Nation; that a girl (Male or Female.) child was born to me on 24 day of Feb, 1905 that said child has been named Kizzie Jones, and was living March 4, 1905.

Rhoda her X mark Jones

WITNESSES TO MARK:

(Must be Two Witnesses.) { Loyn Harlin
Lizzie Wade

Subscribed and sworn to before me this 24 day of may, 1905.

W. W. Ish
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Central DISTRICT. }

I, Ben Jones, a Nurse, on oath state that I attended on Mrs. Rhoda Jones, wife of Henry Jones on the 24 day of Feb, 1905 that there was born to her on said date a girl (Male or Female.) child; that said child was living March 4, 1905, and is said to have been named Kizzie Jones

Ben Jones

WITNESSES TO MARK:

(Must be Two Witnesses.) { }

Subscribed and sworn to before me this 24 day of may, 1905

W. W. Ish
Notary Public.

MM 13 New Born 973.

MISSISSIPPI CHOCTAW.

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Kizzie Jones

born citizen of

Choctaw Nation.

Approved NOV 28 1906 190...

Commissioner.

ACT OF CONGRESS APPROVED APRIL 26, 1906.

Supplemental Proof.

DEPARTMENT OF THE INTERIOR.

Commissioner to the Five Civilized Tribes.

FILED

SEP - 1 1906

Commissioner.

MISSISSIPPI CHOCTAW.

NEW BORN

98

RECEIVED

SEP - 1 1906

(NB 98)

MISSISSIPPI CHOCTAW.

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Kizzie Jones, born on the 28 day of Feby 1905
[Here insert name of child]

Name of Father: Henry Jones a citizen of the Choctaw Nation.

Name of Mother: Rhoda Jones a citizen of the Choctaw Nation.

Tribal enrollment of father 8647 Tribal enrollment of mother 6084

Postoffice LeFlore, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Rhoda Jones nee Lewis on oath state that I am 34 years of age and a citizen by blood of the Choctaw Nation; that I am the lawful wife of Henry Jones, who is a citizen, by blood of the Choctaw Nation; that a female child was born to me on 28 day of Feb 1905; that said child has been named Kizzie Jones and was living March 4, 1906.

Rhoda her x mark Jones nee Lewis

WITNESSES TO MARK:

[Must be Two Witnesses] William Sockey.
W. O. Lewis

Subscribed and sworn to before me this 31 day of Aug. 1906.

Robert E. Lee
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Lillie Jones, a midwife, on oath state that I attended on Rhoda Jones wife of Henry Jones on the 28 day of Feb 1905 that there was born to her on said date a female child; that said child was living March 4, 1906, and is said to have been named Kizzie Jones

Lillie her x mark Jones

WITNESSES TO MARK:

[Must be Two Witnesses] Williams Sockey
W. O. Lewis

Subscribed and sworn to before me this 31 day of Aug. 1906.

Robt E. Lee
Notary Public.

7-2111.

Muskogee, Indian Territory, May 16, 1905.

W. W. Ish,

Notary Public,

Red Oak, Indian Territory.

Dear Sir:

Receipt is hereby ack owledged of your letter of May 9, giving information relative to the enrollment of Rhoda Jones, the wife of Henry Jones, and stating that the date of the birth of her child, Kizzie Jones, should have been given in the affidavits as February 28, 1905, instead of March 28, 1905, as that is the date given you by the mother and the nurse.

The information contained in your letter has enabled us to identify Rhoda Jones upon our records, and if the correct date of the birth of her child, Kizzie Jones, is February 28, 1905, you should have the enclosed blank for the enrollment of an infant child, executed in accordance with the facts and return the same to this office as early as practicable.

Respectfully,

Chairman.

Choc. Minor 974
Bertha May Horton

M974

1-10-1907 Granted.

1-19-07 Record forwarded Dept.

3-4-07 Decision of Commissioner of 1-10-07 revised and schedule containing names of these applicants disapproved.

3-1-09 Dept. requests report.

4-22-09 Report to Dept.

6-2-09 Dept. holds case is not analogous to Goldsby case and declines to take action looking to enrollment of applicants.

6-19-09 Parties notified.

7-Mar725
635
73
206
217
226
475
23-871
974
975
976
977
978
979
1001

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of FRANKLIN M. HARTON, et al, as a citizen of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that in the year of 1899, application was made by Franklin M. Harton at South McAlester, Indian Territory, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Mattie Harton, and his children, John, James, Rachel, Mary M. and Nancy Ella Harton, as citizens by blood of said nation; and for the enrollment of his step-mother, Narcissa S. Thompson, as a citizen by intermarriage of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at South Canadian, Indian Territory, in September 1899, by William M. McCoy, for the enrollment of himself and his children, Buford T. McCoy, Maud McCoy, Gertie McCoy and William McCoy as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Mary G. McCoy, as a citizen by intermarriage of said nation, that application was made by William E. Perceival at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Narcissa Ella Perceival, and his minor children, Jesse, Taylor, Forrest, Mattie and Rebecca Perceival, as citizens by blood of the Choctaw Nation, that on December 10, 1903, written application was made for the enrollment of Sadie Perceival as a citizen by blood of the Choctaw Nation. Subsequent proceedings show that the correct name of said applicant is Narcissa Sadie Perceival. Application was made by Charles E. Barton at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Sarah Jane Barton, and his minor children, John Henry, Charles F. Myrtle E. and Gertrude Barton, and for the enrollment of Benjamin Oliver Welch, Maulty Loley and Walter Welch, children of the said Sarah Jane Barton, and for the enrollment of Willie Loley, minor daughter of Maulty Loley, as citizen by blood of said nation; that application was made to the Commission to the Five Civilized Tribes by John Z. Thompson at Calbert, Indian Territory, on June 21, 1900, for the enrollment of himself and his minor children, Mary Frances Thompson, Charles Stanley Thomp[illegible]ian Brown Thompson and John

Moody Thompson, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of said nation; that application was made to the Commission to the Five Civilized Tribes at South McAlester, Indian Territory, in the year 1899, by Nannie Vaughan, for the enrollment of herself and her minor children, Hattie, Callie, Stella and Roy Vaughan, as citizens by blood of the Choctaw Nation; that application was made in September, 1899, to the Commission to the Five Civilized Tribes by Thomas J. O'Quinn, for the enrollment (among others) of John T. O'Quinn and his minor daughter, Dolphy O'Quinn, and Minnie L. Leddy as citizens by blood of the Choctaw Nation, and for the enrollment of May O'Quinn, wife of John T. O'Quinn, as a citizen by intermarriage of said Nation. Subsequent proceedings show that the correct name of the applicant Dolphy O'Quinn is Ollie Odolphus O'Quinn.

It also appears that application was made in September, 1899, to the Commission to the Five Civilized Tribes, for the enrollment of John D. Thompson as a citizen of the Choctaw Nation, as is evidenced by the fact that in the testimony of F. M. Horton before the Commission at South McAlester, Indian Territory, in September, 1899, appears a statement made by Commissioner McKennon, as follows:

> "The name of Narcissa S. Thompson also appears upon the roll of 1896, page 401, No. 15111, as an intermarried citizen, who is the mother of Mrs. Horton, who was never intermarried with a recognized citizen of the Choctaw Nation and is a white woman. Her enrollment is also refused.
>
> A son, John D. Thompson, whose case is exactly that of the Hortons above stated, and whose enrollment is also refused.
>
> The name of F. M. Horton is also found upon the roll of intermarried persons of 1896, page 390, No. 14658, he being the husband of Mattie Horton, whose enrollment is also refused."

On January 21, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of William M. Percival as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Narcissa Ella Percival, and his minor children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival and Rebecca Percival, as citizens by blood of the Choctaw Nation, together with the decision of the same date, rejecting all of the applicants in said case.

On the same date the Commission to the Five Civilized Tribes transmitted to the Department the record in the matter of the application of Nannie Vaughan for the enrollment of herself and her minor children, Hattie, Callie, Stella and Roy Vaughan as citizens by blood of the Choctaw Nation, together with the decision of the Commission of the same date denying said application.

On September 26, 1905, there was filed with the Department a petition of Martha Horton, relative to the right to enrollment of herself, her husband, Frances M. Horton, and her children, John F. Horton, James W. Horton, Rachel E. Horton, Mary M. Horton, and Nancy E. Horton, as citizens of the Choctaw Nation.

It will be noticed that in the original application for the enrollment of this family, the name was spelled Horton, while

in the above petition said name is spelled Harton. Subsequent proceedings have established that said name is correctly spelled Marton, and said name will hereafter in this decision be spelled accordingly.

On September 26, 1906, there was filed with the Department a petition of Nannie Foster (formerly Vaughan) relative to the right to enrollment of herself and her children, Hattie Vaughan, Callie Vaughan, Nannie Vaughan, Roy Vaughan and Thomas Clide Foster, as citizens of the Choctaw Nation.

On the same date there was filed with the Department a petition of William E. Percival, relative to the right to enrollment of himself as an intermarried citizen of the Choctaw Nation, and his wife, Narcissie Ella Percival, and their children, Jessie Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival and Narcissie Sadie Percival, as citizens of the Choctaw Nation.

On the same date there was filed with the Department a petition of Sarah Jane Darken, relative to the right to enrollment of herself and her children, Benjamin Oliver Welch, Maultsia J. Welch, Walter F. Welch, John Henry Darken, Charles Bradley Darken, Myrtle Elvy Darken, and Gertrude M. Darken, as citizens of the Choctaw Nation, and for the enrollment of her husband, Charles B. Darken, as a citizen by intermarriage of the Choctaw Nation.

On the same date there was filed with the Department a petition of John D. Thompson relative to the right to enrollment of himself as a citizen of the Choctaw Nation, in which he states:

> "I was married March 8, 1897, to Emma G. Weir, and as an issue of said marriage the following named children were born, John William Thompson, born July 9, 1899, and Nasen Maud Thompson was born June 19, 1903."

While none of said petitions conclude with a prayer, they will be considered for the purpose of this decision as petitions for the enrollment of the persons mentioned therein as citizens by blood or intermarriage of the Choctaw Nation.

The Department in its letter of April 4, 1906 (I. T. D. 13766-1906), directed the Commissioner to the Five Civilized Tribes to adjudicate the rights of John T. Thompson, et al., to enrollment as citizens by blood of the Choctaw Nation, and instructed said Commissioner to take further testimony in the case if necessary.

The Department in its letter of April 5, 1906 (I. T. D. 1313-1906), set aside the decision of the Commissioner to the Five Civilized Tribes of January 21, 1906, in the case of William E. Percival, et al., and instructed the Commissioner to make further investigation of the right of the applicants in said case to enrollment.

The Department in its letter of the same date (I. T. D. 1272-1906), set aside the decision of the Commissioner to the Five Civilized Tribes on January 21, 1906, in the case of Nannie Vaughan, et al., and instructed the Commissioner to take further testimony in said case and to readjudicate the same.

The Department in its letter of April 17, 1906 (I. T. D. 1748-1906), transmitted a letter from John T. O'Quinn of Marlow,

Indian Territory, dated April 5, 1906, relative to his application for enrollment as a citizen of the Choctaw Nation, claiming his name was included as one of the applicants in the case of William C. Thompson, et al., and stated that no reason was seen why the rights of John T. O'Quinn should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the Choctaw Nation.

On May 4, 1906, John T. O'Quinn and Mansfield McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, were notified that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at nine o'clock A. M., hear the testimony of such witnesses as he might desire to present tending to establish his right to enrollment as a citizen by blood of the Choctaw Nation.

On May 16, 1906, John T. Thompson, Marlow, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at ten o'clock A.M., hear the testimony of such witnesses as he might desire to present in the matter of his application for enrollment as a citizen of the Choctaw Nation.

On the same date Sarah Jane Darken and Martha Marton were also notified to appear at the office of the Commissioner at ten o'clock A. M., on Monday, May 28, 1906, for the purpose of introducing testimony in support of the application for the enrollment of said Sarah Jane Darken and Martha Marten and families as citizens of the Choctaw Nation, it appearing that said Sarah Jane Darken and Martha Marten were sisters of said John T. Thompson and that application for the enrollment of said parties and their families as citizens of the Choctaw Nation had been made prior to December 25, 1902. Notice of said hearing was also forwarded the attorneys for the Choctaw and Chickasaw Nations.

On the same date William M. McCoy and Mansfield, McMurray & Cornish were notified that the Commissioner would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at ten o'clock A. M., hear the testimony of witnesses in support of the application for the enrollment of said William M. McCoy and his family as citizens of the Choctaw Nation.

On the same date Nannie Vaughan (now Nannie Foster), Talihina, Indian Territory, and Mansfield, McMurray & Cornish, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at eleven o'clock A. M., on Monday, May 28, 1906, hear the testimony of witnesses in support of the application for the enrollment of said Nannie Vaughan (now Foster) and children as citizens of the Choctaw Nation.

On the same date William E. Percival, Marlow, Indian Territory, and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at one o'clock P. M., Monday, May 28, 1906, hear the testimony of witnesses in support of the application of said William E. Percival and family as citizens of the Choctaw Nation.

On May 23, 1906, there was filed with the Commissioner to the Five Civilized Tribes a petition signed by Mary E. O'Quinn, relative to the right to enrollment of John T. O'Quinn and his children, Ollie, Odolphus O'Quinn, Ruby O'Quinn, Agnes O'Quinn, Mark O'Quinn, and Alpha S. O'Quinn as citizens by blood of the Choctaw Nation, and Fannie May O'Quinn as a citizen by intermarriage of said nation.

In conformity with the above notices a hearing was had at the office of the Commissioner May 28, 1906, at which time testimony was taken relative to the rights of Minnie Lee Leddy, John D. Thompson and his two minor children, John WILLiam Thompson and Hazel Maud Thompson, as citizens by blood of the Choctaw Nation. At said hearing Wirt Franklin of the firm of Apple & Franklin, Muskogee, Indian Territory, represented the petitioners. No appearance was entered by or on behalf of the Choctaw and Chickasaw Nations.

Applications were received by the Commissioner to the Five Civilized Tribes for the enrollment of the following persons as citizens of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137): May 8, 1906, Agnes O'Quinn, born March 25, 1900; Altha S. O'Quinn, born July 8, 1905; Ollie Odolphus O'Quinn, born August 23, 1896; Mark O'Quinn, born December 9, 1902; May 14, 1906, Ruby O'Quinn, born September 12, 1898, children of John T. O'Quinn, and his wife, Fannie May O'Quinn. The application for the enrollment of Ruby O'Quinn shows that said applicant diedMarch 15, 1899. May 28, 1906, George Pope Harton, born March 2, 1906 minor child of Franklin M. Harton and Martha Ann Harton; Viola Maude Hunt, born August 17, 1905, daughter of John Hunt and his wife, Rachel Susan Hunt (nee Harton); Bertha May Harton, born February 10, 1906, minor daughter of John F. Harton andhis wife, Susie Harton; Narcissa Sadie Percival, born October 2, 1899, minor daughter of William E. Percival and Narcissa Ella Percival; June 13, 1906, Thomas Foster born June 6, 1905, minor child of the applicant, Nannie Foster, formerly Vaughan, and her husband, Louis Foster, June 18, 1906, Thomas Pembroch Reville, born August 17, 1904; Clara May Reville, born March 25, 1900, minor children of J. N. Reville and Maud Reville (nee McCoy); Amina McCoy, born July 22, 1902, and Fay McCoy, born June 12, 1905, children of Buford T. McCoy and his wife, Geneva McCoy; John D. Wooley, born February 4, 1903, and James B. Wooley, born April 30, 1904, children of Robert L. Wooley and his wife, Cordie Wooley (nee McCoy).

It appears from the records in the possession of the Commissioner to the Five Civilized Tribes that original application was filed with the Commission to the Five Civilized Tribes on September 9, 1896, for the admission of the following persons to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321):

Sarah Jane Thompson, nee Barker,
Benjamin Welch,
Maultsie Welch,
Walter Welch,
Johny Barker,
Martha Ann Thompson, nee Harton,

James William Harton,
John F. Harton,
Susie Harton,
Narcissa Ella Thompson, now Percival,
Jessee Percival,
Tayler Percival,
Forrest Percival,
Rebecca Percival,
Katie Percival,
Nancy S. Thompson, now Vaughan,
Hattie Vaughn,
Callie Vaughn, and
Nannie Vaughn.

The records in the possession of the Commissioner further show that on December 8, 1896, said application was denied (1896 Choctaw Citizenship Case No. 1394, entitled Sarah Jane Thompson and Martha Ann Thompson vs. Choctaw Nation). From this decision no appeal was taken.

The record herein shows that the applicant, Charles B. Darken, was married in the year 1887 to Sarah Jane Darken, in accordance with the laws of the United States, and that on October 16, 1896, said applicants were remarriedin accordance with the laws of the Choctaw Nation; that prior to her marriage to Charles B. Darken, said Sarah Jane Darken was married to Frank Welch, from whom she was lawfully divorced on November 6, 1886. The applicant, John T. O'quinn, was lawfully married on August 27, 1895, to Fannie May Calhoun; that the applicant, John T. Thompson, was lawfully married on February 17, 1887, to Katie Calhoun; that the applicant, Franklin M. Harton, was married in the year 1880, to the applicant, Mattie Harton, but said marriage was not performed in accordance with the laws of the Choctaw Nation; that the applicant, John Harton, since his application for enrollment in 1899, was married to one Susie Girty, who is enrolled as a citizen by blood of the Cherokee Nation, opposite No., 17600; that the applicant, Bertha May Harton, is the issue of said marriage, and that election was made by said John Harton for the enrollment of said Bertha May Harton as a citizen of the Choctaw Nation; that the applicant, William E. Percival, was marriedin the year 1884 to Narcissa Ella Percival; that said marriage was not performed in accordance with the laws of the Choctaw Nation; said Narcissa Ella Percival died September 5, 1902. The applicant, John D. Thompson, was married in the year of 1898, to Emma Geneva Weir. The applicant, Mary G. McLaurine, was married February 2, 1876, to William H. McCoy.

The principal applicants with their families have resided continuously in the Choctaw-Chickasaw country since several years prior to 1898.

The names of the applicantsdo not appear on any of the tribal rolls of the Choctaw Nation in the possession of the Commissioner to the Five Civilized Tribes except the 1896 Choctaw Census Roll, upon which appears the names of certain of the applicants, as follows:

John T. O'quinn (as T. M. O'Quinn)	Opposite No.,-10029
Minnie L. Leddy (as Winnie Liddy)	8416
John T. Thompson (as Jno. T. Thompson)	12829
Mary F. Thompson	12830
William E. Thompson (as Wm. Thompson)	12831.

Charles S. Thompson (as Charles Thompson)	Opposite No.,	12532
John M. Thompson (as Jno.M.Thompson)		12533
John Henry Darken (as Jno. Henry Darken)		3626
Charles B. Darken, Jr. (as Charles B. Darken)		3627
Benjamin Oliver Welch (as Benjamin Welch)		14020
Walter Welch		14021
Maultay Lolsy (as Maulsey Lawley)		8346
Mattie Horton		5993
Rachel Hunt (as Rachel S. Horton)		5994
John Horton (as Johnie Horton)		5995
James Horton (as Jimmie Horton)		5996
Mary M. Horton		5997
Narcissa Ella Perceival (as Narcissus Perceivill)		10554
Jesse Perceival (as Jesse Perceivill)		10555
Tayler Perceival (as Tayler Perceivill)		10556
Forrest Perceival (as Forrest Perceivill)		10557
Katie Perceival (as Kate Perceivill)		10558
Rebecca Perceival (as Rebecca Perceivill)		10559
Hannie Vaughan (as Hannie Vaughn)		12531
Mattie Vaughan (as Mattie Vaughn)		12532
Callie Vaughan (as Callie Vaughn)		12533
Stella Vaughan (as Stella Vaughn)		12534
William K. McCoy		9507
Buford T. McCoy		9508
Maudie McCoy		9509
Cordie McCoy		9510
William McCoy		9511

The name of Katie Thompson appears upon said roll as Kate Thompson, opposite No. 15126, as a citizen by intermarriage of the Choctaw nation. The name of Mary C. McCoy also appears on said roll opposite No. 14892, as a citizen by intermarriage of the Choctaw Nation. The name of C. B. Darken also appears on said roll opposite No. 14485, as a citizen by intermarriage of the Choctaw Nation.

The name of the applicant, Sarah Jane Darken, does not appear upon the 1896 Choctaw Census Roll in the possession of the Commissioner to the Five Civilized Tribes. On September 21, 1906, there was filed with the Commissioner the affidavits of Wirt Franklin, executed September 20, 1906, in which he states that the Acting Commissioner who conducted the hearing in this case failed to identify upon the 1896 Choctaw Census Roll the name of Sarah Jane Darken, but that he identify upon the said roll the names of her children who were then living; that as attorney for the applicants, he asked for the "roll of citizens by blood, of Atoka County, Indian Territory, of September 25, 1896", prepared by three Commissioners for that county, who were appointed under an act of the Choctaw Council approved September 18, 1896; that said roll was brought forth; that he examined the same and found on page 20 thereof the names of Sarah J. Darken, age 34, Benjamin Welch, age 17, and Walter Welch, age 14, John Henry Darken, age 8 and Charles B. Darken, age 5, that opposite the name of Sarah J. Darken is written in a different hand than thatwrote and with lead pencil the word "doubtful"; that opposite the names of the others there appears the letters "O.K.", also written with lead pencil, while the names themselves were written with pen and ink; that he asked the Acting Commissioner at the time these names were found on the said county

roll to make a statement in the record which was then being made in this citizenship case, setting forth what this roll showed in regard to these applicants, but he not only refused to make the statement in the record himself, but denied the affiant the right to do so as attorney for the applicants. The roll referred to in said affidavit is a book designated as "Choctaw Census Roll, No. 0", and endorsed on the outside cover thereof "Choctaws residing in Chickasaw Nation; Memorandum Roll; Roll-Of. Said book has never been considered by the Commission to the Five Civilized Tribes, or its successor, as an authentic roll of the citizens of the Choctaw Nation.

In the case of Nancy J. Murphy, et al, decided adverse to the applicants by the Commission to the Five Civilized Tribes on January 26, 1903, it was stated as follows:

"It further appears that the name of the applicant (written Nancy Murphy) is found on page 244 on the original memorandum record kept by the Enumerator for Atoka County, Choctaw Nation, in making the 1896 Choctaw Census Roll under the heading "Doubtful, claims citizenship, but her name does not appear upon any of the recognized Choctaw tribal rolls in the possession of the Commission as a citizen of said Nation".

The Department in its letter of May 18, 1903 (I. T. D. 4342-1903) approved the decision of the Commission of January 26, 1903. The memorandum referred to in said case is the book mentioned in the affidavit of Mr. Franklin. Said book, together with a report concerning same, was forwarded to the Department with a letter of the Acting Commissioner to the Five Civilized Tribes dated September 1, 1906, returning certain petitions forwarded by the Department in its letter of May 7, 1906 (I. T. D. 5244-1906) relative to the application for the enrollment of Nancy J. Murphy, et al, as citizens of the Choctaw Nation.

The name of John D. Thompson does not appear upon the 1896 Choctaw Census Roll in the possession of the Commissioner to the Five Civilized Tribes. Besides the names of John M. Thompson and John T. Thompson mentioned above, the name of John Thompson appears upon the 1896 Choctaw Census Roll opposite No. 12504, Jackfork County age 11 years. The age of the applicant John D. Thompson is given as 36 years. It is, therefore, clear that the applicant is not identical with the John Thompson whose name appears on the Choctaw Census Roll opposite No., 12504, Jackfork County,

The name of John Thompson, age 27 years, Atoka County, also appears upon the 1896 Choctaw Census roll. It appears that in the preparation of said roll the names of the members of each family were grouped together.

Attached to the record herein is a copy of the pages 324 and 325 of said roll upon which appears the name of John Thompson opposite No. 12455.

It will be noticed that the age of the applicant, John D. Thompson corresponds with the age of John Thompson, whose name appears on said roll opposite No. 12455. It will also be noticed that immediately following the name of John Thompson on the 1896 Choctaw Census Roll and opposite No. 12456 appears the name of Gertrude Thompson.

On February 15, 1906, this office addressed a letter to Gertrude Thompson at Hewitt, Indian Territory, requesting to be advised of the whereabouts of said John Thompson. On February 17 1906, said Gertrude Thompson addressed a letter to the Commissioner in which she stated that she knew nothing of such a person, unless it was John Henry Thompson, her husband, with whom she does not now reside; that said John Henry Thompson is a Chickasaw by blood instead of a Choctaw, and that she does not think that her name and said John Thompson's name have been placed together on any of the rolls since 1896.

On June 2, 1906, there was filed with the Commissioner by Apple & Franklin, the affidavit of Henry Thompson, in which he states that he is 31 years of age; and was the husband of Gertrude Thompson, a Choctaw citizen by blood. That he is a citizen by blood of the Chickasaw Nation; that his full name is John Henry Thompson, and that he has generally been known as Henry Thompson; that he never made an attempt to get on the 1896 Choctaw Census Roll because he is a Chickasaw by blood and was enrolled on the 1896 Chickasaw Census Roll, but he does not think his name appears on the 1896 Choctaw Census Roll for Atoka County; that it the name, John Thompson, appears on the Choctaw Census Roll, number 12455, he does not think it was meant for him, because he made no attempt to have his name placed on said roll, and does not know of any one else giving his name to the enumerators.

The name of Henry Thompson appears upon the 1896 Chickasaw Census Roll, and upon the final roll of citizens by blood of the Chickasaw Nation approved by the Secretary of the Interior opposite No. 3594.

Granting the truth of the statement contained in the affidavit of Henry Thompson that his name was placed on the 1896 Chickasaw Census Roll and that he made no effort to have his name placed on the 1896 Choctaw Roll, it is not probable that this fact would have prevented the Census committee from placing his name upon said 1896 Choctaw Census Roll. It is evident from the letter of Gertrude Thompson, above referred to, that it was her understanding that the names of herself and her husband were placed upon the 1896 Choctaw Census Roll together, and the fact that the name of John Thompson was placed on said roll, together with said Gertrude Thompson, seems to clearly indicate that John Thompson is identical with John Henry Thompson, and therefore, not identical with John D. Thompson. It also appears from the testimony of John Thompson on May 28, 1906, that he was not living in the Choctaw Nation in the year 1896 but was living in the Comanche country. It will be observed that the age of John Thompson appears on the 1896 Choctaw Census Roll as 27 years, while the age of Henry Thompson is given inhis evidence of May 29 1906, as 31 years. This discrepancy, however, is easily accounted for by the fact that said Henry Thompson states that he made no effort to have his name placed on said roll. The information concerning his age was, therefore, evidently obtained by the Census Committee from some third

person, and it is probable that his age might have been incorrectly given to said Committee.

It appears from the record herein that the applicant, Narcissa S. Thompson, died in August, 1901.

Following the ruling of the Department of April 4, 1906, (I. T. D. 4222-1906), in the case of Mary E. O'Quinn, et al., I am of the opinion that the applicants herein, who are of Choctaw blood, who were residents in good faith of the Indian Territory on June 28, 1898, and whose names appear upon the 1896 Choctaw Census Roll, and their descendants born since said roll was made, and those persons who were married to any of said applicants in accordance with the laws of the Choctaw Nation, should be enrolled as citizens of the Choctaw Nation.

I am further of the opinion that the applications for the enrollment of the applicants herein, whose names do not appear upon the 1896 Choctaw Census Roll, and who are not descendants of persons whose names do appear upon said roll, born since the date thereof, and those intermarried applicants who were not married to their Indian spouses in accordance with the laws of the Choctaw Nation, should be denied.

I am, therefore, of the opinion that the applicants, John T. O'Quinn, Ollie Odolphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles B. Darken, Jr., Benjamin Oliver Welch, Walter Welch, Maultay J. Lawley, Willie May Lawley, Mattie Harton, John Harton, Rachel Harton, James Harton, Mary M. Harton, Nancy Ella Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Nannie Vaughan, Hattie Vaughan, Cellie Vaughan, Stella Vaughan, Roy Vaughan, William M. McCoy, Buford T. McCoy, Maud Reville, Cordie Colley and William McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicants, Fannie May O'Quinn, Katie Thompson and Mary G. McCoy, should be enrolled as citizens by intermarriage of the Choctaw Nation under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicant, Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembroke Reville, John D. Woolley, James E. Woolley, Amina McCoy and Fay McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that the record herein establishes that application was made for the enrollment of John D. Thompson as a citizen by blood of the Choctaw Nation, and for the enrollment of Emma Geneva Thompson as a citizen by intermarriage of said nation, within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and that the same should now be determined upon its merits, and it is so ordered.

I am further of the opinion that the applications for the enrollment of John D. Thompson, Sarah Jane Darken, Myrtle M.

Barton and Gertrude M. Barton as citizens by blood of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applications for the enrollment of Franklin M. Barton, Charles E. Barton, Rose Sculpe Thompson and William E. Percival as citizens by intermarriage of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition filed by John D. Thompson, September 26, 1906, in so far as it applies to John William Thompson and Hazel Maude Thompson should be considered as an application for the enrollment of said persons as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), that said application should be denied, and it is so ordered.

I am further of the opinion that the application for the enrollment of Ruby O'Quinn, who the record shows died March 15, 1899, and for the enrollment of Marcissa E. Thompson and Marcissa Nile Percival, who the record shows died prior to September 25, 1902, should be dismissed, and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

D.C.M.
CAW

J.W.M.
J.W.H.
W.C.P.
T.W.L.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

March 1, 1909.

File 5-51.

The Commissioner
to the Five Civilized Tribes.

Sir:

January 25, 1909, you were advised that the names of certain persons were inadvertently included in Departmental letter of January 19, 1909 (File 5-51); that such mistake was due to the fact that it was supposed they were enrolled upon schedules approved by the Department, when in fact, the only schedules upon which their names appear were disapproved, and that no action should be taken under the circumstances looking to the erasure of interlineations or notations, if any, from the disapproved schedules, in connection with their names.

The names of the persons referred to in said letter of January 25, 1909, are as follows:

Cherokees by Blood.

Roll No.	
16103	Elizabeth Allen.
16112	George A. Bumgarner.
16110	Charlitta Crutchfield.
16106	Everett Crutchfield

16111 George W. Crutchfield.

16106 Ida Crutchfield.

16107 Ina Crutchfield.

16108 Lowyinia Crutchfield.

16109 William Crutchfield.

921 Josephine LaFlore Long.

922 Jake LaFlore Long.

16104 David Hither.

It now appears from the records of the Secretary's office that there was a schedule approved May 21, 1904, by the Secretary of the Interior, and that the approval then given was cancelled by said Secretary at a later date, to-wit, June 28, 1904.

The name of Elizabeth Allen appears upon the schedule which was approved May 21, 1904, opposite the number 15691. Ida Crutchfield's name appears opposite No. 15553, while the other members of the Crutchfield family were given the numbers immediately following that assigned to her.

You are requested to cause a report to be prepared showing whether the records of your office also show that an earlier schedule containing the names of said persons was approved May 21, 1904; also whether such approval was cancelled June 28, 1904. Please report also the reasons for the attempted cancellation, and whether prior notice was given thereof.

-2-

It appears further that, in connection with the names of Elizabeth Allen and the Crutchfield family on the roll approved May 21, 1904, the names of Ardelia Wickham, Ida M. Southard and Grover Randall are also to be found.

In connection with said names, it is desired that you will report what action, in your opinion, should be taken concerning the first of said persons; also whether the said Ida M. Southard and Grover Randall, respectively, are identical with the Ida M. Southard whose name appears opposite No. 15680 in the printed rolls of citizens by blood of the Choctaw Nation, and the Grover Randall whose name appears on page 8 of Departmental letter of January 19, 1909 (File 5-51), opposite No. 19928.

As appears from the above list, there were other persons besides the said Allen and Crutchfields whose names were enrolled on schedules which were finally disapproved by the Department; for example, George A. Bumgarner, Josephine Laflore Long and Jake Laflore Long.

Please report whether the names of these persons appear upon any prior approved schedule; also why it was that the Commissioner to the Five Civilized Tribes enrolled them upon the schedule which was disapproved by the Department, stating whether the Commissioner enrolled them thereon of his own motion, or under direction or instruction from the Department.

By comparison of the roll approved May 21, 1904, with the printed rolls of Choctaws by blood, the Department

finds that the numbers appearing thereon opposite the names of said persons were subsequently assigned to other citizens of the Choctaw Nation; thereby the series of roll numbers was kept perfect, but a material portion of the rolls was evidently sacrificed upon the supposition that it had become worthless. Inquiry arises in this connection as to whether there were other approved schedules which were subsequently disapproved and thrown aside. Accordingly, it is desired that you cause a report to be prepared covering this feature of the matter, showing all persons embraced in similar cases, with recommendation as to what action should be taken as to them. This will necessitate a statement as to why their names were stricken or cancelled from the rolls, and whether such action was taken without prior notice.

There is still another matter concerning which the Department desires report to be made. It is observed that the words "No person enrolled at this number" are to be found not infrequently opposite consecutive numbers on the pages of the printed rolls, and you are requested to advise the Department whether such words were substituted for the names of individuals appearing on disapproved schedules, and if such is the case, whether such disapproved schedules were approved at any time by the Department; also whether favorable decisions were ever rendered by the Department as to such persons prior to their enrollment upon such disapproved schedules.

-4-

For the sake of expedition, a partial report should be rendered at once concerning the said Elizabeth Allen and the various members of the Crutchfield family named above. The other matters referred to herein can be disposed by subsequent reports.

Very respectfully,

Jesse E. Wilson,

Assistant Secretary.

Through the

Indian Office.

D 294-1909.

Muskogee, Oklahoma, April 22, 1909.

Subject:

Reporting on Departmental letter of March 1, 1909, relative to Franklin M. Marton et al. whose names were on schedules which were disapproved by the Department.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental letter of March 1, 1909 (File 5-81) in which reports were requested as to certain persons whose enrollment was disapproved by the Secretary of the Interior, and at whose numbers in the printed rolls appears the notation "No person enrolled at this number."

Reports have heretofore been made as to certain of the matters referred to in Departmental letter above named and I have the honor to state that the case of Franklin M. Marton, et al. comes within the class described, and to report therein as follows:

It appears from the records in the possession of this office that original application was filed with the Commission to the Five Civilized Tribes on September 9, 1896, under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321) in a case entitled Sarah Jane Thompson and Martha

Secretary 2,

Ann Thompson versus the Choctaw Nation, 1896 Choctaw Citizenship Case Number 1394, for the admission of Sarah Jane Thompson, now Burton, Benjamin Welch, Manlitsie Welch, Walter Welch, Johny Burton, Martha Ann Thompson, now Morton, James William Morton, John P. Morton, Susie Morton, Narcissa Ella Thompson, now Percival, Jessese Percival, Taylor Percival, Forrest Percival, Rebecca Percival, Katie Percival, Nancy E. Thompson, now Vaughn, Mattie Vaughn, Callie Vaughn and Nannie Vaughn as citizens of the Choctaw Nation.

December 8, 1896, the Commissioner denied this application, from which decision no appeal was taken to the United States Court in Indian Territory as provided by the Act of Congress approved June 10, 1896.

Subsequent to this action of the Commission to the Five Civilized Tribes and prior to the time fixed for the closing of the rolls applications were made to the Commission on behalf of the following persons for enrollment as citizens by blood and intermarriage of the Choctaw Nation:

Franklin M. Morton for enrollment as a citizen by intermarriage and for the enrollment of his wife, Mattie Morton, and his children, John Morton, James Morton, Rachel Morton, Mary M. Morton and Nancy Ella Morton, as citizens by Blood, and for the enrollment of his step-mother, Narcissa E. Thompson, as a citizen by intermarriage of the Choctaw Nation.

William M. McCoy for the enrollment of himself and his children, Buford T. McCoy, Maud McCoy, Cordie McCoy and William

McCoy as citizens by blood and for the enrollment of his wife, Mary E. McCoy, as a citizen by intermarriage of said nation.

William R. Percival for enrollment as a citizen by intermarriage, and for the enrollment of his wife, Narcissa Ella Percival, and his children, Jesse Percival, Tayler Percival, Forrest Percival, Katie Percival, Rebecca Percival and Sadie (Narcissa Sadie) Percival, as citizens by blood of the Choctaw Nation.

Charles B. Darken for enrollment as a citizen by intermarriage and for the enrollment of his wife, Sarah Jane Darken, and his minor children, John Henry Darken, Charles B. Darken, Myrtle E. Darken and Gertrude Darken, and his step-children, Benjamin Oliver Welch, Maultsy Loley and Walter Welch, and Willie Loley, daughter of Maultsy Loley, as citizens by blood of the Choctaw Nation.

John T. Thompson for the enrollment of himself and his children, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, and John Moody Thompson, as citizens by blood and for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of the Choctaw Nation

Mannie Vaughan for the enrollment of herself and her children, Mattie Vaughan, Callie Vaughan, Stella Vaughan and Roy Vaughan, as citizens by blood of the Choctaw Nation.

John T. O'Quinn and his minor daughter, Delphy (Ollie

Secretary 4.

Adolphus)O'Quinn and Minnie L. Leddy as citizens by blood and for the enrollment of May O'Quinn, wife of John T. O'Quinn, as a citizen by intermarriage of said nation.

John D. Thompson for enrollment as a citizen by blood of the Choctaw Nation.

January 21, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of William R. Percival, his wife, Narcissa Rila Percival, and his children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival and Rebecca Percival as citizens of the Choctaw Nation, together with the decision of that date, refusing all the applicants in the case, to the Department.

On the same date the record in the matter of the application of Nannie Vaughan for the enrollment of herself and her minor children, Nattie Vaughan, Callie Vaughan, Stella Vaughan and Roy Vaughan as citizens by blood of the Choctaw Nation, together with decision of that date, was transmitted to the Department.

September 26, 1905, there was filed with the Department a petition of Martha Harten relative to the right to enrollment of herself, her husband, Francis M. Harten, and her children, John P. Harten, James W. Harten, Rachel S. Harten, Mary M. Harten and Nancy E. Harten, as citizens of the Choctaw Nation.

In the original application for the enrollment of this

family the name was spelled Norton while in the above petition the name is spelled Harton. The subsequent proceedings established that the name is correctly spelled Harton and it is so spelled hereafter.

September 26, 1905, there were also filed with the Department petitions on behalf of Nanie Foster, (formerly Vaughan) and her children, Sarah Jane Darkes and her children, and John B. Thompson and his children, William H. Percival, et al.

The Department on April 4, 1906 (I. T. D. 13766-1906) directed the Commissioner to the Five Civilized Tribes to adjudicate the rights of John T. Thompson, et al. to enrollment as citizens by blood of the Choctaw Nation and to take further testimony in the case, if necessary.

April 5, 1906 (I T D 1313-1906) the Department set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1908, in the case of William H. Percival, et al. and instructed the Commissioner to make further investigation of the rights of the applicants to enrollment.

In its letter of the same date (I T D 1272-1906) the Department set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1908, in the case of Nannie Vaughan, et al. and directed the Commissioner to take further testimony in said case and readjudicate the same.

The Department, in its letter of April 17, 1906 (I T D 1745-1906) transmitted a letter from John T. O'Quinn, of Marlow,

Secretary 6.

Indian Territory, of April 8, 1906, relative to his application for enrollment as a citizen of the Choctaw Nation, and satated that no reason was seen why his rights should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the Choctaw Nation.

In accordance with the above Departmental instructions, the principal applicants in these cases, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations were notified that a hearing would be had in these cases at the office of the Commissioner to the Five Civilized Tribes, Muskogee, Indian Territory, on Monday, May 28, 1906, and in conformity with these notices proceedings were had at that time and place.

Applications were received by the Commissioner to the Five Civilized Tribes, under the Act of Congress approved April 26, 1906 (34 Stat., 137) for the enrollment of Agnes O'Quinn, Altha S. O'Quinn, Ollie Odolphus O'Quinn, Mark O'Quinn and Ruby O'Quinn, children of John K. O'Quinn and his wife, Fannie May O'Quinn; George Pope Marton, child of Franklin M. Marton and Martha Ann Marton; Viola Vandie Hunt, daughter of John Hunt and his wife, Rachel Susan Hunt, nee Marton; Martha May Marton, daughter of John P. Marton and his wife, Susie Marton; Narcissa Sadie Percival, daughter of William H. Percival and Narcissa Nila Percival; Thomas Foster, child of Nannie Foster, formerly Vaughan, and her husband, Louis Foster;

Secretary 7.

Thomas Pembrook Reville, and Clara May Reville, children of J. E. Reville and Maud Reville, nee McCoy; Amina McCoy and May McCoy, children of Buford T. McCoy and his wife, Geneva McCoy; John D. Wooley and James B. Wooley, children of Robert L. Wooley and his wife, Cordie Wooley, nee McCoy.

It appears from the Choctaw tribal rolls in the possession of this office that the following applicants in this case are identified upon the 1896 Census Roll of the Choctaw Nation:

John T. O'Quinn (as T. E. O'Quinn), Winnie L. Leddy (as Winnie Liddy), John T. Thompson (as Jno. T. Thompson), Mary F. Thompson, William E. Thompson (as Wm. Thompson), Charles S. Thompson (as Charles Thompson), John M. Thompson (as Jno. M. Thompson), John Henry Darken (as Jno. Henry Darken), Charles B. Darken, Jr. (as Charles B. Darken), Benjamin Oliver Welch (as Benjamin Welch), Walter Welch, Manlsey Loley (as Manlsey Lawley), Mattie Horton, Rachel Hunt (as Rachel S. Horton), John Horton (as Johnie Horton), James Horton (as Jimmie Horton) Mary M. Horton, Narcissa Nila Percival (as Narcissus Percivill) Jesse Percival (as Jesse Percivill), Taylor Percival (as Taylor Percivill), Forrest Percival (as Forrest Percivill), Katie Percival (as Kate Percivill), Rebecca Percival (as Rebecca Percivill), Nannie Vaughan (as Nannie Vaughn), Nattie Vaughan (as Nattie Vaughn), Callie Vaughan (as Callie Vaughn), Stella Vaughan (as Stella Vaughn), William M. McCoy, Buford T. McCoy,

Secretary S,

Mandie McCoy, Cordie McCoy and William McCoy, Katie Thompson (as Kate Thompson), Mary S. McCoy and C. B. Darken.

November 17, 1906 (I T D 13807-1906) the Department requested an immediate report as to the status of the Choctaw enrollment cases of John T. Thompson, et al., William M. McCoy, et al., Charles B. Darkin, et al., Franklin M. Harton, et al., William M. Percival, et al., Mannie Foster (formerly Vaughan) et al. and John T. O'Quinn, et al.

December 11, 1906, this office reported that the case of William M. McCoy, et al. had been consolidated with the case of John T. Thompson, et al. and these cases were then receiving consideration and would be forwarded for Departmental action at an early date.

January 24, 1907, the Indian Office transmitted this report to the Department and advised that the record had not, up to that time, been received. January 31, 1907 (I T D 1682-1907) the Department requested to be advised at once the status of this case. February 18, 1907, this office advised that the application of John T. Thompson et al. for enrollment as citizens of the Choctaw Nation was consolidated with the case of Franklin M. Harton, et al. and the record in the case, together with the decision of January 10, 1907, and schedules comprising the names of persons whose applications for enrollment were granted therein were forwarded to the Department through the

Secretary W.

Indian Office January 19, 1907.

January 10, 1907, following the ruling of the Department of April 4, 1906 (I T D 4222-1906) in the case of Mary E. O'Quinn, et al., the Commissioner rendered a dicision holding that the applicants herein who were of Choctaw blood, who were residents in good faith of the Indian Territory, June 28, 1898, and whose names appeared upon the 1896 Choctaw Census Roll, and their descendants born since said roll was made and those persons who were married to any of these applicants in accordance with the laws of the Choctaw Nation should be enrolled as citizens of the Choctaw Nation, and those persons whose names did not appear on the 1896 Choctaw Census Roll, and who were not descendants of persons whose names appeared upon said roll, born since the date thereof, and those intermarried applicants who were not married to their Indian spouses in accordance with the laws of the Choctaw Nation, should be denied.

The decision therefore granted the applications for the enrollment of John T. O'Quinn, Ollie Odelphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Barker, Charles E. Barker Jr., Benjamin Oliver Welch, Walter Welch, Maultsy J. Lawley, Willie May Lawley, Mattie Harton, John Harton, Rachel Harton, James Harton, Mary E. Harton, Nancy Ella Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Nannie Vaughan, Mattie Vaughan, Callie Vaughan, Stella Vaughan, Roy Vaughan

William M. McCoy, Buford T. McCoy, Maud Reville, Cordie Wooley and William McCoy as citizens by blood and Fannie May O'Quinn, Katie Thompson and Mary G. McCoy as citizens by intermarriage of the Choctaw Nation, under the provisions of the Act of Congress approved July 1, 1902.

The applications for the enrollment of Agnes O'Quinn, Altha E. O'Quinn, Mark O'Quinn, Bertha May Marton, George Pope Marton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembrook Reville, John D. Woolley, James R. Woolley, Amina McCoy and Fay McCoy as minor citizens by blood of the Choctaw Nation were also granted under the provisions of the Act of Congress approved April 26, 1906.

The applications of the enrollment of John D. Thompson, Sarah Jane Darken, Murtle E. Darken and Gertrude M. Darken as citizens by blood and Franklin M. Harton, Charles B. Darken, Emma Geneva Thompson and William E. Percival as citizens by intermarriage of the Choctaw Nation were denied under the provisions of the Act of Congress approved July 1, 1902.

The applications of the enrollment of John William Thompson and Hazel Maude Thompson under the provisions of the Act of Congress approved April 26, 1906, were denied and the applications for the enrollment of Ruby O'Quinn and Narcissa E. Thompson and Narcissa Ella Percival, who died prior to September 25, 1902, were dismissed.

January 19, 1907, the record in this case, together with the decision of the Commissioner of January 10, 1907, was transmitted to the Department.

Secretary 11,

There also accompanied this letter three letters to the Department under date of January 17, 1907, as follows:

Letter transmitting schedule of citizens by blood of the Choctaw Nation, Number 16066 to 16101, inclusive.

Letter transmitting schedule of citizens by marriage of the Choctaw Nation, Number 1623 to 1625, inclusive.

Letter transmitting schedule of minor citizens by blood of the Choctaw Nation, under Act of April 26, 1906, Number 844 to 856, inclusive.

The Commissioner advised that since the preparation of these schedules the office was in receipt of Departmental letter of January 15, 1907, directing suspension of action relative to enrollment and allotment of lands to any of the applicants in the Mississippi Choctaw case of William C. Thompson, et al. and reported that the persons included in the decision in the Choctaw enrollment case of Franklin M. Barton, et al. occupied an analogous status to the persons embraced in the Mississippi Choctaw case of William C. Thompson, et al.

This office requested, if the decision of January 10,1907, were affirmed by the Department, that the schedules transmitted be approved and the office notified as early as practicable of Departmental action thereon.

February 6, 1907, this office transmitted appeal and brief filed by S. A. Apple, attorney at law, Ardmore, Indian Territory, for consideration in connection with this case and in accordance with his request there were attached to his brief copies of the roll cards of John Thompson, Choctaw D 858 and Henry Thompson, Chickasaw roll card number 1233.

Secretary 12.

February 26, 1907, referring to Departmental letter of February 23, 1907, requesting this office to forward a list of those persons whose enrollment should be cancelled in view of the opinion of the Attorney General of the United States of February 19, 1907, in the Choctaw enrollment cases of Loula West and William C. Thompson, the Commissioner to the Five Civilized Tribes reported that the case of Franklin M. Barton, et al. was analogous to the case of William C. Thompson, et al. and recommended that his decision of January 10, 1907, in so far as the same was favorable to the applicants, and the schedules above described, all transmitted with letter of January 19, 1907, be disapproved by the Department.

February 20, 1907 (Land 15813-1907) the Indian Office transmitted th report of this office of January 19, 1907, and the record and decision in the case of Franklin M. Barton, et al. and recommended, in view of the decision of the Department of Justice of February 19, 1907, in the case of William C. Thompson, et al. that the decision of the Commissioner of January 10,1907, be reversed as to the applicants enrolled therein and that all of the applicants be denied enrollment as citizens of the Choctaw Nation.

March 2, 1907 (I T D 6886-1907) the Department denied the applications for the enrollment of all the parties to this case.

March 4, 1907 (I T D 3080,2716,3000,3818-1907), in accordance with the recommendation of this office of February 26, 1907, the schedule of

Secretary 13.

Choctaw by blood, Numbers 16066 to 16101, inclusive,
Choctaw by marriage Numbers 1625 to 1628, inclusive,
Minor Choctaw (April 26, 1906) Numbers 844 to 855 inclusive

were disapproved by the Department. These schedules were transmitted to the Department with Indian Office letters of January 31, 1907 (Land 7292-1907), February 7, 1907 (Land 7291-1907) and February 11, 1907 (Land 7290-1907).

Inasmuch as these persons were never on an approved roll no formal allotments were ever made to them. Applications for certain lands were made by one or two of the applicants in this case which were involved in contest cases which were dismissed March 4, 1907.

This office was not advised of any favorable action ever having been taken by the Department in this case.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

Che dew 6061
Choctaw Miner
974.

Muskogee, Oklahoma, June 16, 1909.

Mr. John Harton,

Perum, Oklahoma,

Sir:

You are hereby advised that on June 2, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Franklin M. Harton et al., with which your case was consolidated, is not analogous to that of John M. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Commissioner.

AB

7-H-478

Muskogee, Indian Territory, August 10, 1906.

S. A. Apple,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of August 3, 1906, enclosing affidavits of Susie Harton and Martha Ann Harton to the birth of Bertha May Harton, child of John F. and Susie Harton, February 10, 1906. You also enclose evidence of marriage between John F. Harton and Mrs. Susie Girty, and the same has been filed with the record in this case.

Respectfully,

Commissioner.

Choc Minor 975

Viola Maude Hunt

M975

Jan. 10, 1907 Granted.

1-19-07 Record forwarded Dept.

3-4-07 Decision of Commissioner of 1-10-07 reversed by Dept. and schedule containing name of this applicant disapproved.

3-1-09 Dept. requests report.

4-22-09 Report to Dept.

6-2-09 Dept. holds case is not analogous to Goldsby case and declines to take action looking to enrollment of applicants.

6-16-09 Parties notified.

7-R-725
685
73
205
217
226
475
23-971
974
975
976
977
978
979
1001

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of FRANKLIN M. HARTON, et al, as a citizen of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that in the year of 1899, application was made by Franklin M. Horton at South McAlester, Indian Territory, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Mattie Horton, and his children, John, James, Rachel, Mary M. and Nancy Ella Horton, as citizens by blood of said nation; and for the enrollment of his step-father, Narcissa S. Thompson, as a citizen by intermarriage of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at South Canadian, Indian Territory, in September 1899, by William H. McCoy, for the enrollment of himself and his children, Buford T. McCoy, Maud McCoy, Cordia McCoy and William McCoy as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Mary G. McCoy, as a citizen by intermarriage of said nation, that application was made by William E. Perceival at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Narcissa Ella Perceival, and his minor children, Jesse, Taylor, Forrest, Katie and Rebecca Perceival, as citizens by blood of the Choctaw Nation, that on December 10, 1903, written application was made for the enrollment of Sadie Perceival as a citizen by blood of the Choctaw Nation. Subsequent proceedings show that the correct name of said applicant is Narcissa Sadie Perceival. Application was made by Charles E. Harton at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Sarah Jane Harton, and his minor children, John Henry, Charles P. Myrtle E. and Gertrude Harton, and for the enrollment of Benjamin Oliver Welch, Huntley Exley and Walter Welch, children of the said Sarah Jane Harton, and for the enrollment of Willie Exley, minor daughter of Huntley Exley, as citizen by blood of said nation; that application was made to the Commission to the Five Civilized Tribes by John E. Thompson at Calbert, Indian Territory, on June 21, 1902, for the enrollment of himself and his minor children, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson and John

Woody Thompson, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of said nation; that application was made to the Commission to the Five Civilized Tribes at South McAlester, Indian Territory, in the year 1899, by Nannie Vaughan, for the enrollment of herself and her minor children, Nattie, Callie, Stella and Roy Vaughan, as citizens by blood of the Choctaw Nation; that application was made in September, 1899, to the Commission to the Five Civilized Tribes by Thomas J. O'Quinn, for the enrollment (among others) of John T. O'Quinn and his minor daughter, Delphy O'Quinn, and Minnie L. Leddy as citizens by blood of the Choctaw Nation, and for the enrollment of May O'Quinn, wife of John T. O'Quinn, as a citizen by intermarriage of said Nation. Subsequent proceedings show that the correct name of the applicant Delphy O'Quinn is Ollie Adelphus O'Quinn.

It also appears that application was made in September, 1899, to the Commission to the Five Civilized Tribes, for the enrollment of John D. Thompson as a citizen of the Choctaw Nation, as is evidenced by the fact that in the testimony of F. M. Norton before the Commission at South McAlester, Indian Territory, in September, 1899, appears a statement made by Commissioner McKennon, as follows:

> "The name of Narcissa C. Thompson also appears upon the roll of 1896, page 401, No. 15111, as an intermarried citizen, who is the mother of Mrs. Norton, who was never intermarried with a recognized citizen of the Choctaw Nation and is a white woman. Her enrollment is also refused.
>
> A son, John D. Thompson, whose case is exactly that of the Nortons above stated, and whose enrollment is also refused.
>
> The name of F. M. Norton is also found upon the roll of intermarried persons of 189[illegible], page 390, No. 14698, he being the husband of Mattie Norton, whose enrollment is also refused."

On January 21, 1900, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of William E. Percival as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Narcissa Ella Percival, and his minor children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival and Rebecca Percival, as citizens by blood of the Choctaw Nation, together with the decision of the same date, rejecting all of the applicants in said case.

On the same date the Commission to the Five Civilized Tribes transmitted to the Department the record in the matter of the application of Nannie Vaughan for the enrollment of herself and her minor children, Nattie, Callie, Stella and Roy Vaughan as citizens by blood of the Choctaw Nation, together with the decision of the Commission of the same date denying said application.

On September 26, 1900, there was filed with the Department a petition of Martha Norton, relative to the right to enrollment of herself, her husband, Francis M. Norton, and her children, John P. Norton, James V. Norton, Rachel C. Norton, Mary M. Norton, and Nancy B. Norton, as citizens of the Choctaw Nation.

It will be noticed that in the original application for the enrollment of this family, the name was spelled Norton, while

in the above petition said name is spelled Harlen. Subsequent proceedings have established that said name is correctly spelled Harlan, and said name will hereafter in this decision be spelled accordingly.

On September 26, 1906, there was filed with the Department a petition of Nannie Foster (formerly Vaughan) relative to the right to enrollment of herself and her children, Mattie Vaughan, Callie Vaughan, Hannie Vaughan, Ray Vaughan and Thomas Clide Foster, as citizens of the Choctaw Nation.

On the same date there was filed with the Department a petition of William K. Perceival, relative to the right to enrollment of himself as an intermarried citizen of the Choctaw Nation, and his wife, Narcissie Ella Perceival, and their children, Jessie Perceival, Taylor Perceival, Forrest Perceival, Katie Perceival, Rebecca Perceival and Narcissie Sadie Perceival, as citizens of the Choctaw Nation.

On the same date there was filed with the Department a petition of Sarah Jane Darken, relative to the right to enrollment of herself and her children, Benjamin Oliver Welch, Manitsia J. Welch, Walter F. Welch, John Henry Darken, Charles Bradley Darken, Myrtle Elvy Darken, and Gertrude M. Darken, as citizens of the Choctaw Nation, and for the enrollment of her husband, Charles B. Darken, as a citizen by intermarriage of the Choctaw Nation.

On the same date there was filed with the Department a petition of John D. Thompson relative to the right to enrollment of himself as a citizen of the Choctaw Nation, in which he states:

> "I was married March 8, 1897, to Emma S. Weir, and as an issue of said marriage the following named children were born, John William Thompson, born July 9, 1899, and Hazen Maud Thompson was born June 19, 1903."

While none of said petitions conclude with a prayer, they will be considered for the purpose of this decision as petitions for the enrollment of the persons mentioned therein as citizens by blood or intermarriage of the Choctaw Nation.

The Department in its letter of April 4, 1906 (I. T. D. 13766-1906), directed the Commissioner to the Five Civilized Tribes to adjudicate the rights of John T. Thompson, et al., to enrollment as citizens by blood of the Choctaw Nation, and instructed said Commissioner to take further testimony in the case if necessary.

The Department in its letter of April 5, 1906 (I. T. D. 1313-1906), set aside the decision of the Commissioner to the Five Civilized Tribes on January 31, 1906, in the case of William K. Perceival, et al., and instructed the Commissioner to make further investigation of the right of the applicants in said case to enrollment.

The Department in its letter of the same date (I. T. D. 1872-1906), set aside the decision of the Commissioner to the Five Civilized Tribes of January 31, 1906, in the case of Nannie Vaughan, et al., and instructed the Commissioner to take further testimony in said case and to readjudicate the same.

The Department in its letter of April 17, 1906 (I. T. D. 1746-1906), transmitted a letter from John T. O'Quinn of Harlan,

Indian Territory, dated April 5, 1906, relative to his application for enrollment as a citizen of the Choctaw Nation, claiming his name was included as one of the applicants in the case of William C. Thompson, et al., and stated that no reason was seen why the rights of John T. O'Quinn should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the Choctaw Nation.

On May 4, 1906, John T. O'Quinn and Mansfield McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, were notified that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at nine o'clock A. M., hear the testimony of such witnesses as he might desire to present tending to establish his right to enrollment as a citizen by blood of the Choctaw Nation.

On May 16, 1906, John T. Thompson, Marlow, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at ten o'clock A.M., hear the testimony of such witnesses as he might desire to present in the matter of his application for enrollment as a citizen of the Choctaw Nation.

On the same date Sarah Jane Darken and Martha Marton were also notified to appear at the office of the Commissioner at ten o'clock A. M., on Monday, May 28, 1906, for the purpose of introducing testimony in support of the application for the enrollment of said Sarah Jane Darken and Martha Marton and families as citizens of the Choctaw Nation, it appearing that said Sarah Jane Darken and Martha Marton were sisters of said John T. Thompson and that application for the enrollment of said parties and their families as citizens of the Choctaw Nation had been made prior to December 25, 1902. Notice of said hearing was also forwarded the attorneys for the Choctaw and Chickasaw Nations.

On the same date William W. McCoy and Mansfield, McMurray & Cornish were notified that the Commissioner would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at ten o'clock A. M., hear the testimony of witnesses in support of the application for the enrollment of said William W. McCoy and his family as citizens of the Choctaw Nation.

On the same date Wannie Vaughan (now Wannie Foster), Talihina, Indian Territory, and Mansfield, McMurray & Cornish, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at eleven o'clock A. M., on Monday, May 28, 1906, hear the testimony of witnesses in support of the application for the enrollment of said Wannie Vaughan (now Foster) and children as citizens of the Choctaw Nation.

On the same date William W. Percival, Marlow, Indian Territory, and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at one o'clock P. M., Monday, May 28, 1906, hear the testimony of witnesses in support of the application of said William E. Percival and family as citizens of the Choctaw Nation.

On May 23, 1906, there was filed with the Commissioner to the Five Civilized Tribes a petition signed by Mary E. O'Quinn, relative to the right to enrollment of John T. O'Quinn and his children, Ollie, Odelphus O'Quinn, Ruby O'Quinn, Agnes O'Quinn, Mark O'Quinn, and Alpha S. O'Quinn as citizens by blood of the Choctaw Nation, and Fannie May O'Quinn as a citizen by intermarriage of said nation.

In conformity with the above notices a hearing was had at the office of the Commissioner May 28, 1906, at which time testimony was taken relative to the rights of Minnie Lee Leddy, John D. Thompson and his two minor children, John WILLiam Thompson and Hazel Maud Thompson, as citizens by blood of the Choctaw Nation. At said hearing Wirt Franklin of the firm of Apple & Franklin, Muskogee, Indian Territory, represented the petitioners. No appearance was entered by or on behalf of the Choctaw and Chickasaw Nations.

Applications were received by the Commissioner to the Five Civilized Tribes for the enrollment of the following persons as citizens of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137): May 8, 1906, Agnes O'Quinn, born March 25, 1900; Altha S. O'Quinn, born July 8, 1905; Ollie Odelphus O'Quinn, born August 23, 1896; Mark O'Quinn, born December 9, 1902; May 14, 1906, Ruby O'Quinn, born September 12, 1898, children of John T. O'Quinn, and his wife, Fannie May O'Quinn. The application for the enrollment of Ruby O'Quinn shows that said applicant diedMarch 15, 1899. May 28, 1906, George Pope Harton, born March 2, 1906 minor child of Franklin M. Harton and Martha Ann Harton; Viola Maude Hunt, born August 17, 1905, daughter of John Hunt and his wife, Rachel Susan Hunt (nee Harton); Bertha May Harton, born February 10, 1906, minor daughter of John F. Harton andhis wife, Susie Harton; Narcissa Sadie Percival, born October 2, 1899, minor daughter of William E. Percival and Narcissa Nila Percival; June 13, 1906, Thomas Foster born June 6, 1905, minor child of the applicant, Nannie Foster, formerly Vaughan, and her husband, Lewis Foster, June 18, 1906, Thomas Pembreeh Reville, born August 17, 1904; Clara May Reville, born March 25, 1900, minor children of J. E. Reville and Maud Reville (nee McCoy); Amina McCoy, born July 22, 1902, and Fay McCoy, born June 12, 1905, children of Buford T. McCoy and his wife, Geneva McCoy; John D. Wooley, born February 4, 1902, and James B. Wooley, born April 30, 1904, children of Robert L. Wooley and his wife, Cordie Wooley (nee McCoy).

It appears from the records in the possession of the Commissioner to the Five Civilized Tribes that original application was filed with the Commission to the Five Civilized Tribes on September 9, 1896, for the admission of the following persons to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321):

Sarah Jane Thompson, nee Barbee,
Benjamin Veloh,
Maultsie Veloh,
Walter Veloh,
Johny Barbee,
Martha Ann Thompson, nee Harton,

James William Harton,
John F. Harton,
Susie Harton,
Narcissa Nila Thompson, now Percival,
Jessee Percival,
Tayler Percival,
Forrest Percival,
Rebecca Percival,
Katie Percival,
Nancy S. Thompson, now Vaughan,
Hattie Vaughn,
Callie Vaughn, and
Nannie Vaughn.

The records in the possession of the Commissioner further show that on December 8, 1896, said application was denied (1896 Choctaw Citizenship Case No. 1394, entitled Sarah Jane Thompson and Martha Ann Thompson vs. Choctaw Nation). From this decision no appeal was taken.

The record herein shows that the applicant, Charles B. Darken, was married in the year 1887 to Sarah Jane Darken, in accordance with the laws of the United States, and that on October 16, 1896, said applicants were remarriedin accordance with the laws of the Choctaw Nation; that prior to her marriage to Charles B. Darken, said Sarah Jane Darken was married to Frank Welch, from whom she was lawfully divorced on November 6, 1886. The applicant, John T. O'quinn, was lawfully married on August 27, 1895, to Fannie May Calhoun; that the applicant, John T. Thompson, was lawfully married on February 17, 1887, to Katie Calhoun; that the applicant, Franklin M. Harton, was married in the year 1880, to the applicant, Hattie Harton, but said marriage was not performed in accordance with the laws of the Choctaw Nation; that the applicant, John Harton, since his application for enrollment in 1899, was married to one Susie Girty, who is enrolled as a citizen by blood of the Cherokee Nation, opposite No., 17600; that the applicant, Bertha May Harton, is the issue of said marriage, and that election was made by said John Harton for the enrollment of said Bertha May Harton as a citizen of the Choctaw Nation; that the applicant, William E. Percival, was marriedin the year 1884 to Narcissa Nila Percival; that said marriage was not performed in accordance with the laws of the Choctaw Nation; said Narcissa Nila Percival died September 5, 1902. The applicant, John D. Thompson, was married in the year 1898, to Emma Geneva Weir. The applicant, Mary G. McLaurine, was married February 2, 1876, to William M. McCoy.

The principal applicants with their families have resided continuously in the Choctaw&Chickasaw country since several years prior to 1898.

The names of the applicantsdo not appear on any of the tribal rolls of the Choctaw Nation in the possession of the Commissioner to the Five Civilized Tribes except the 1896 Choctaw Census Roll, upon which appears the names of certain of the applicants, as follows:

John T. O'quinn (as T. E. O'Quinn)	Opposite No., -10029
Minnie L. Leddy (as Winnie Liddy)	8416
John T. Thompson (as Jno. T. Thompson)	12329
Mary F. Thompson	12330
William E. Thompson (as Wm. Thompson)	12331.

Charles S. Thompson (as Charles Thompson)	Opposite No., -12532
John M. Thompson (as Jno M Thompson)	12533
John Henry Darken (as Jno. Henry Darken)	3626
Charles B. Darken, Jr. (as Charles B. Darkon)	3627
Benjamin Oliver Welch (as Benjamin Welch)	14020
Walter Welch	14021
Maultsy Lelsy (as Maulsey Lawley)	8348
Mattie Horton	5993
Rachel Hunt (as Rachel S. Horton)	5994
John Horton (as Johnie Horton)	5995
James Horton (as Jimmie Horton)	5996
Mary M. Horton	5997
Narcissa Ella Perceival (as Narcissus Perceivill)	10554
Jesse Perceival (as Jesse Perceivill)	10555
Taylor Perceival (as Taylor Perceivill)	10556
Forrest Perceival (as Forrest Perceivill)	10557
Katie Perceival (as Kate Perceivill)	10558
Rebecca Perceival (as Rebecca Perceivill)	10559
Nannie Vaughan (as Nannie Vaughn)	12531
Hattie Vaughan (as Hattie Vaughn)	12532
Callie Vaughan (as Callie Vaughn)	12533
Stella Vaughan (as Stella Vaughn)	12534
William H. McCoy	9507
Buford T. McCoy	9508
Maudie McCoy	9509
Cordie McCoy	9510
William McCoy	9511

The name of Katie Thompson appears upon said roll as Kate Thompson, opposite No. 15126, as a citizen by intermarriage of the Choctaw Nation. The name of Mary G. McCoy also appears on said roll opposite No. 14892, as a citizen by intermarriage of the Choctaw Nation. The name of C. B. Darkon also appears on said roll opposite No. 14485, as a citizen by intermarriage of the Choctaw Nation.

The name of the applicant, Sarah Jane Darken, does not appear upon the 1896 Choctaw Census Roll in the possession of the Commissioner to the Five Civilized Tribes. On September 21, 1906, there was filed with the Commissioner the affidavits of Wirt Franklin, executed September 20, 1906, in which he states that the Acting Commissioner who conducted the hearing in this case failed to identify upon the 1896 Choctaw Census Roll the name of Sarah Jane Darken, but that he identify upon the said roll the names of her children who were then living; that as attorney for the applicant, he asked for the "roll of citizens by blood, of Atoka County, Indian Territory, of September 25, 1896", prepared by three Commissioners for that county, who were appointed under an act of the Choctaw Council approved September 18, 1896; that said roll was brought forth; that he examined the same and found on page 80 thereof the names of Sarah J. Darken, age 34, Benjamin Welch, age 17, and Walter Welch, age 14, John Henry Darken, age 8 and Charles B. Darken, age 5, that opposite the name of Sarah J. Darken is written in a different hand than the names and with lead pencil the word "doubtful"; that opposite the names of the others there appears the letters "O.K.", also written with lead pencil, while the names themselves were written with pen and ink; that he asked the Acting Commissioner at the time these names were found on the said county

roll to make a statement in the record which was then being made in this citizenship case, setting forth what this roll showed in regard to these applicants, but he not only refused to make the statement in the record himself, but denied the affiant the right to do so as attorney for the applicants. The roll referred to in said affidavit is a book designated as "Choctaw Census Roll, No. 0", and endorsed on the outside cover thereof "Choctaws residing in Chickasaw Nation; Memorandum Roll; Roll of". Said book has never been considered by the Commission to the Five Civilized Tribes, or its successor, as an authentic roll of the citizens of the Choctaw Nation.

In the case of Nancy J. Murphy, et al, decided adverse to the applicants by the Commission to the Five Civilized Tribes on January 26, 1903, it was stated as follows:

"It further appears that the name of the applicant (written Nancy Murphy) is found on page 244 on the original memorandum record kept by the Enumerator for Atoka County, Choctaw Nation, in making the 1896 Choctaw Census Roll under the heading "Doubtful, claims citizenship, but her name does not appear upon any of the recognized Choctaw tribal rolls in the possession of the Commission as a citizen of said Nation".

The Department in its letter of May 18, 1903 (I. T. D. 4342-1903) approved the decision of the Commission of January 26, 1903. The memorandum referred to in said case is the book mentioned in the affidavit of Mr. Franklin. Said book, together with a report concerning same, was forwarded to the Department with a letter of the Acting Commissioner to the Five Civilized Tribes dated September 1, 1906, returning certain petitions forwarded by the Department in its letter of May 7, 1906 (I. T. D. 5244-1906) relative to the application for the enrollment of Nancy J. Murphy, et al, as citizens of the Choctaw Nation.

The name of John D. Thompson does not appear upon the 1896 Choctaw Census Roll in the possession of the Commissioner to the Five Civilized Tribes. Besides the names of John M. Thompson and John T. Thompson mentioned above, the name of John Thompson appears upon the 1896 Choctaw Census Roll opposite No. 12504, Jackfork County age 11 years. The age of the applicant John D. Thompson is given as 38 years. It is, therefore, clear that the applicant is not identical with the John Thompson whose name appears on the Choctaw Census Roll opposite No., 12504, Jackfork County.

The name of John Thompson, age 27 years, Atoka County, also appears upon the 1896 Choctaw Census roll. It appears that in the preparation of said roll the names of the numbers of each family were grouped together.

Attached to the record herein is a copy of [illegible] pages 324 and 325 of said roll upon which appears the name of John Thompson opposite No. 12455.

It will be noticed that the age of the applicant, John D. Thompson corresponds with the age of John Thompson, whose name appears on said roll opposite No. 12455. It will also be noticed that immediately following the name of John Thompson on the 1896 Choctaw Census Roll and opposite No. 12456 appears the name of Gertrude Thompson.

On February 15, 1906, this office addressed a letter to Gertrude Thompson at Hewitt, Indian Territory, requesting to be advised of the whereabouts of said John Thompson. On February 17 1906, said Gertrude Thompson addressed a letter to the Commissioner in which she stated that she knew nothing of such a person, unless it was John Henry Thompson, her husband, with whom she does not now reside; that said John Henry Thompson is a Chickasaw by blood instead of a Choctaw, and that she does not think that her name and said John Thompson's name have been placed together on any of the rolls since 1896.

On June 2, 1906, there was filed with the Commissioner by Applo & Franklin, the affidavit of Henry Thompson, in which he states that he is 31 years of age, and was the husband of Gertrude Thompson, a Choctaw citizen by blood. That he is a citizen by blood of the Chickasaw Nation; that his full name is John Henry Thompson, and that he has generally been known as Henry Thompson; that he never made an attempt to get on the 1896 Choctaw Census Roll because he is a Chickasaw by blood and was enrolled on the 1896 Chickasaw Census Roll, but he does not think his name appears on the 1896 Choctaw Census Roll for Atoka County; that if the name, John Thompson, appears on the Choctaw Census Roll, number 12455, he does not think it was meant for him, because he made no attempt to have his name placed on said roll, and does not know of any one else giving his name to the enumerators.

The name of Henry Thompson appears upon the 1896 Chickasaw Census Roll, and upon the final roll of citizens by blood of the Chickasaw Nation approved by the Secretary of the Interior opposite No. 3594.

Granting the truth of the statement contained in the affidavit of Henry Thompson that his name was placed on the 1896 Chickasaw Census Roll and that he made no effort to have his name placed on the 1896 Choctaw Roll, it is not probable that this fact would have prevented the Census committee from placing his name upon said 1896 Choctaw Census Roll. It is evident from the letter of Gertrude Thompson, above referred to, that it was her understanding that the names of herself and her husband were placed upon the 1896 Choctaw Census Roll together, and the fact that the name of John Thompson was placed on said roll, together with said Gertrude Thompson, seems to clearly indicate that John Thompson is identical with John Henry Thompson, and therefore, not identical with John D. Thompson. It also appears from the testimony of John Thompson on May 28, 1906, that he was not living in the Choctaw Nation in the year 1896 but was living in the Comanche country. It will be observed that the age of John Thompson appears on the 1896 Choctaw Census Roll as 27 years, while the age of Henry Thompson is given inhis evidenceof May 30 1906, as 31 years. This discrepancy, however, is easily accounted for by the fact that said Henry Thompson states that he made no effort to have his name placed on said roll. The information concerning his age was, therefore, evidently obtained by the Census Committee from some third

person, and it is probable that his age might have been incorrectly given to said Committee.

It appears from the record herein that the applicant, Narcissa S. Thompson, died in August, 1901.

Following the ruling of the Department of April 4, 1906, (I. T. D. 4222-1906), in the case of Mary E. O'Quinn, et al., I am of the opinion that the applicants herein, who are of Choctaw blood, who were residents in good faith of the Indian Territory on June 28, 1898, and whose names appear upon the 1896 Choctaw Census Roll, and their descendants born since said roll was made, and those persons who were married to any of said applicants in accordance with the laws of the Choctaw Nation, should be enrolled as citizens of the Choctaw Nation.

I am further of the opinion that the applications for the enrollment of the applicants herein, whose names do not appear upon the 1896 Choctaw Census Roll, and who are not descendants of persons whose names do appear upon said roll, born since the date thereof, and those intermarried applicants who were not married to their Indian spouses in accordance with the laws of the Choctaw Nation, should be denied.

I am, therefore, of the opinion that the applicants, John T. O'Quinn, Ollie Odelphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles B. Darken, Jr., Benjamin Oliver Welch, Walter Welch, Maultay J. Lawley, Willie May Lawley, Mattie Harton, John Harton, Rachel Harton, James Harton, Mary M. Harton, Nancy Ella Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Nannie Vaughan, Hattie Vaughan, Cellie Vaughan, Stella Vaughan, Ray Vaughan, William M. McCoy, Buford T. McCoy, Maud Reville, Cordie Woolley and William McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicants, Fannie May O'Quinn, Katie Thompson and Mary G. McCoy, should be enrolled as citizens by intermarriage of the Choctaw Nation under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicant, Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembreck Reville, John D. Woolley, James B. Woolley, Anina McCoy and Fay McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that the record herein establishes that application was made for the enrollment of John D. Thompson as a citizen by blood of the Choctaw Nation, and for the enrollment of Emma Geneva Thompson as a citizen by intermarriage of said nation, within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and that the same should now be determined upon its merits, and it is so ordered.

I am further of the opinion that the applications for the enrollment of John D. Thompson, Sarah Jane Darken, Myrtle E.

Barbee and Gertrude M. Barbee as citizens by blood of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applications for the enrollment of Franklin M. Barbee, Charles R. Barbee, Emma Geneva Thompson and William R. Percival as citizens by intermarriage of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition filed by John D. Thompson, September 26, 1906, in so far as it applies to John William Thompson and Hazel Maude Thompson should be considered as an application for the enrollment of said persons as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), that said application should be denied, and it is so ordered.

I am further of the opinion that the application for the enrollment of Ruby O'Quinn, who the record shows died March 15, 1899, and for the enrollment of Narcissa S. Thompson and Narcissa Nila Percival, who the record shows died prior to September 25, 1902, should be dismissed, and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

D.C.M.

J.W.H.
J.W.K.
W.C.P.
F.E.L.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

G/W

March 1, 1909.

File 5-51.

The Commissioner
to the Five Civilized Tribes.

Sir:

January 25, 1909, you were advised that the names of certain persons were inadvertently included in Departmental letter of January 19, 1909 (File 5-51); that such mistake was due to the fact that it was supposed they were enrolled upon schedules approved by the Department, when in fact, the only schedules upon which their names appear were disapproved, and that no action should be taken under the circumstances looking to the erasure of interlineations or notations, if any, from the disapproved schedules, in connection with their names.

The names of the persons referred to in said letter of January 25, 1909, are as follows:

Cherokees by Blood.

Roll No.	
16103	Elizabeth Allen.
16112	George A. Bumgarner.
16110	Lautitia Crutchfield.
16106	Everett Crutchfield

16111	George W. Crutchfield.
16105	Ida Crutchfield.
16107	Ina Crutchfield.
16106	Louvinia Crutchfield.
16109	William Crutchfield.
921	Josephine Laflore Long.
922	Jake Laflore Long.
16104	David Ritter.

It now appears from the records of the Secretary's Office that there was a schedule approved May 21, 1904, by the Secretary of the Interior, and that the approval then given was cancelled by said Secretary at a later date, to-wit, June 28, 1904.

The name of Elizabeth Allen appears upon the schedule which was approved May 21, 1904, opposite the number 15551. Ida Crutchfield's name appears opposite No. 15553, while the other members of the Crutchfield family were given the numbers immediately following that assigned to her.

You are requested to cause a report to be prepared showing whether the recordsof your office also show that an earlier schedule containing the names of said persons was approved May 21, 1904; also whether such approval was cancelled June 28, 1904. Please report also the reason for the attempted cancellation, and whether prior notice was given thereof.

It appears further that, in connection with the names of Elizabeth Allen and the Crutchfield family on the roll approved May 31, 1904, the names of Ardella Wickman, Ida M. Southard and Grover Randall are also to be found.

In connection with said names, it is desired that you will report what action, in your opinion, should be taken concerning the first of said persons; also whether the said Ida M. Southard and Grover Randall, respectively, are identical with the Ida M. Southard whose name appears opposite No. 15860 in the printed rolls of citizens by blood of the Choctaw Nation, and the Grover Randall whose name appears on page 8 of Departmental letter of January 19, 1909 (File S-61), opposite No. 15928.

As appears from the above list, there were other persons besides the said Allen and Crutchfields whose names were enrolled on schedules which were finally disapproved by the Department; for example, George A. Bumgarner, Josephine Laflore Long and Jake Laflore Long.

Please report whether the names of these persons appear upon any prior approved schedule; also why it was that the Commissioner to the Five Civilized Tribes enrolled them upon the schedule which was disapproved by the Department, showing whether the Commissioner enrolled them thereon, of his own motion, or under decision or instructions from the Department.

By comparison of the roll approved May 31, 1904, with the printed rolls of Choctaws by blood, the Department

finds that the numbers appearing thereon opposite the names of said persons were subsequently assigned to other citizens of the Choctaw Nation; thereby the series of roll numbers was kept perfect, but a material portion of the rolls was evidently sacrificed upon the supposition that it had become worthless. Inquiry arises in this connection as to whether there were other approved schedules which were subsequently disapproved and thrown aside. Accordingly, it is desired that you also cause a report to be prepared covering this feature of the matter, showing all persons embraced in similar cases, with recommendation as to what action should be taken as to them. This will necessitate a statement as to why their names were stricken or cancelled from the rolls, and whether such action was taken without prior notice.

There is still another matter concerning which the Department desires report to be made. It is observed that the words "No person enrolled at this number" are to be found not infrequently opposite consecutive numbers on the pages of the printed rolls; and you are requested to advise the Department whether such words were substituted for the names of individuals appearing on disapproved schedules, and if such is the case, whether such disapproved schedules were approved at any time by the Department; also whether favorable decisions were ever rendered by the Department as to such persons prior to their enrollment upon such disapproved schedules.

For the sake of expedition, a partial report should be rendered at once concerning the said Elizabeth Allen and the various members of the Smithfield family named above. The other matters referred to herein can be disposed of by subsequent reports.

Very respectfully,

Jesse E. Wilson
Assistant Secretary.

Through the
Indian Office.

D 294-1909.

Muskogee, Oklahoma, April 22, 1909.

Subject:

Reporting on Departmental letter of March 1, 1909, relative to Franklin M. Harton et al. whose names were on schedules which were disapproved by the Department.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental letter of March 1, 1909 (File 8-51) in which reports were requested as to certian persons whose enrollment was disapproved by the Secretary of the Interior, and at whose numbers in the printed rolls appears the notation "No person enrolled at this number."

Reports have heretofore been made as to certain of the matters referred to in Departmental letter above named and I have the honor to state that the case of Franklin M. Harton, et al. comes within the class described, and to report therein as follows:

It appears from the records in the possession of this office that original application was filed with the Commission to the Five Civilized Tribes on September 9, 1896, under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321) in a case entitled Sarah Jane Thompson and Martha

Secretary 2,

Ann Thompson versus the Choctaw Nation, 1896 Choctaw Citizenship Case Number 1394, for the admission of Sarah Jane Thompson, now Darken, Benjamin Welch, Maultsie Welch, Walter Welch, Johny Darken, Martha Ann Thompson, now Harton, James William Harton, John F. Harton, Susie Harton, Narcissa Nila Thompson, now Percival, Jessees Percival, Tayler Percival, Forrest Percival, Rebecca Percival, Katie Percival, Nancy S. Thompson, now Vaughn, Mattie Vaughn, Callie Vaughn and Nannie Vaughn as citizens of the Choctaw Nation.

December 8, 1896, the Commissioner denied this application, from which decision no appeal was taken to the United States Court in Indian Territory as provided by the Act of Congress approved June 10, 1896.

Subsequent to this action of the Commission to the Five Civilized Tribes and prior to the time fixed for the closing of the rolls applications were made to the Commission on behalf of the following persons for enrollment as citizens by blood and intermarriage of the Choctaw Nation:

Franklin M. Horton for enrollment as a citizen by intermarriage and for the enrollment of his wife, Mattie Horton, and his children, John Horton, James Horton, Rachel Horton, Mary M. Horton and Nancy Nila Horton, as citizens by blood, and for the enrollment of his step-mother, Narcissa S. Thompson, as a citizen by intermarriage of the Choctaw Nation.

William M. McCoy for the enrollment of himself and his children, Buford T. McCoy, Maud McCoy, Gertie McCoy and William

Secretary S.

McCoy as citizens by blood and for the enrollment of his wife, Mary G. McCoy, as a citizen by intermarriage of said nation.

William E. Percival for enrollment as a citizen by intermarriage, and for the enrollment of his wife, Narcissa Nila Percival, and his children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival and Sadie (Narcissa Sadie) Percival, as citizens by blood of the Choctaw Nation.

Charles B. Darken for enrollment as a citizen by intermarriage and for the enrollment of his wife, Sarah Jane Darken, and his minor children, John Henry Darken, Charles B. Darken, Myrtle E. Darken and Gertrude Darken, and his step-children, Benjamin Oliver Welch, Manltsy Loley and Walter Welch, and Willie Loley, daughter of Manltsy Loley, as citizens by blood of the Choctaw Nation.

John T. Thompson for the enrollment of himself and his children, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, and John Moody Thompson, as citizens by blood and for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of the Choctaw Nation

Mannie Vaughan for the enrollment of herself and her children, Mattie Vaughan, Callie Vaughan, Stella Vaughan and Roy Vaughan, as citizens by blood of the Choctaw Nation.

John T. O'Quinn and his minor daughter, Delphy (Ollie

Secretary 4.

Odolphus)O'Quinn and Minnie L. Leddy as citizens by blood and for the enrollment of May O'Quinn, wife of John T. O'Quinn, as a citizen by intermarriage of said nation.

John D. Thompson for enrollment as a citizen by blood of the Choctaw Nation.

January 21, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of William H. Percival, his wife, Narcissa Ella Percival, and his children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival and Rebecca Percival as citizens of the Choctaw Nation, together with the decision of that date, refusing all the applicants in the case, to the Department.

On the same date the record in the matter of the application of Mannie Vaughan for the enrollment of herself and her minor children, Hattie Vaughan, Callie Vaughan, Stella Vaughan and Roy Vaughan as citizens by blood of the Choctaw Nation, together with decision of that date, was transmitted to the Department.

September 26, 1905, there was filed with the Department a petition of Martha Harten relative to the right to enrollment of herself, her husband, Frances M. Harten, and her children, John P. Harten, James W. Harten, Rachel S. Harten, Mary M. Harten and Nancy E. Harten, as citizens of the Choctaw Nation.

In the original application for the enrollment of this

family the name was spelled Norton while in the above petition the name is spelled Narton. The subsequent proceedings established that the name is correctly spelled Narton and it is so spelled hereafter.

September 26, 1905, there were also filed with the Department petitions on behalf of Mamie Foster, (formerly Vaughan) and her children, Sarah Jane Darken and her children, and John D. Thompson and his children, William E. Percival, et al.

The Department on April 4, 1906 (I. T. D. 13766-1905) directed the Commissioner to the Five Civilized Tribes to adjudicate the rights of John T. Thompson, et al. to enrollment as citizens by blood of the Choctaw Nation and to take further testimony in the case, if necessary.

April 5, 1906 (I T D 1313-1906) the Department set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of William E. Percival, et al. and instructed the Commissioner to make further investigation of the rights of the applicants to enrollment.

In its letter of the same date (I T D 1272-1905) the Department set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of Mamie Vaughan, et al. and directed the Commissioner to take further testimony in said case and readjudicate the same.

The Department, in its letter of April 17, 1906 (I T D 1748-1906) transmitted a letter from John T. O'Quinn, of Harlow,

Secretary 6.

Indian Territory, of April 5, 1906, relative to his application for enrollment as a citizen of the Choctaw Nation, and stated that no reason was seen why his rights should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the Choctaw Nation.

In accordance with the above Departmental instructions, the principal applicants in these cases, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations were notified that a hearing would be had in these cases at the office of the Commissioner to the Five Civilized Tribes, Muskogee, Indian Territory, on Monday, May 28, 1906, and in conformity with these notices proceedings were had at that time and place.

Applications were received by the Commissioner to the Five Civilized Tribes, under the Act of Congress approved April 26, 1906 (34 Stat. 137) for the enrollment of Agnes O'Quinn, Altha B. O'Quinn, Ollie Odolphus O'Quinn, Mark O'Quinn and Ruby O'Quinn, children of John T. O'Quinn and his wife, Fannie May O'Quinn; George Pope Harton, child of Franklin M. Harton and Martha Ann Harton; Viola Maude Hunt, daughter of John Hunt and his wife, Rachel Susan Hunt, nee Harton; Bertha May Harton, daughter of John F. Harton and his wife, Susie Harton; Narcissa Sadie Percival, daughter of William H. Percival and Narcissa Ella Percival; Thomas Foster, child of Nannie Foster, formerly Vaughan, and her husband, Louis Foster;

Secretary 7.

Thomas Pembrook Reville, and Clara May Reville, children of J. H. Reville and Maud Reville, nee McCoy; Amina McCoy and Ray McCoy, children of Buford T. McCoy and his wife, Geneva McCoy; John D. Wesley and James B. Wesley, children of Robert L: Wesley and his wife, Cordie Wesley, nee McCoy.

It appears from the Choctaw tribal rolls in the possession of this office that the following applicants in this case are identified upon the 1896 Census Roll of the Choctaw Nation:

John T. O'Quinn (as T. E. O'Quinn), Minnie L. Leddy (as Winnie Liddy), John T. Thompson (as Jno. T. Thompson), Mary F. Thompson, William B. Thompson (as Wm. Thompson), Charles E. Thompson (as Charles Thompson), John M. Thompson (as Jno. M. Thompson), John Henry Darken (as Jno. Henry Darken), Charles B. Darken, Jr. (as Charles B. Darken), Benjamin Oliver Welch (as Benjamin Welch), Walter Welch, Manley Lsley (as Manlsey Lawley), Mattie Horton, Rachel Hunt (as Rachel E. Horton), John Horton (as Johnie Horton), James Horton (as Jimmie Horton) Mary M. Horton, Narcissa Ella Perceival (as Narcissus Perceivill) Jesse Perceival (as Jesse Perceivill), Taylor Perceival (as Taylor Perceivill), Forrest Perceival (as Forrest Perceivill), Katie Perceival (as Kate Perceivill), Rebecca Perceival (as Rebecca Perceivill), Mannie Vaughan (as Mannie Vaughn), Mattie Vaughan (as Mattie Vaughn), Callie Vaughan (as Callie Vaughn), Stella Vaughan (as Stella Vaughn), William M. McCoy, Buford T. McCoy,

Secretary 6.

Maudie McCoy, Cardie McCoy and William McCoy, Katie Thompson (as Kate Thompson), Mary G. McCoy and C. B. Darbon.

November 17, 1906 (I T D 13807-1906) the Department requested an immediate report as to the status of the Choctaw enrollment cases of John T. Thompson, et al., William M. McCoy, et al., Charles B. Darkin, et al., Franklin M. Harton, et al., William E. Percival, et al., Mannie Foster (formerly Vaughan) et al. and John T. O'Quinn, et al.

December 11, 1906, this office reported that the case of William M. McCoy, et al. had been consolidated with the case of John T. Thompson, et al. and these cases were then receiving consideration and would be forwarded for Departmental action at an early date.

January 24, 1907, the Indian Office transmitted this report to the Department and advised that the record had not, up to that time, been received. January 31, 1907 (I T D 1682-1907) the Department requested to be advised at once the status of this case. February 18, 1907, this office advised that the application of John T. Thompson et al. for enrollment as citizens of the Choctaw Nation was consolidated with the case of Franklin M. Harton, et al. and the record in the case, together with the decision of January 10, 1907, and schedules comprising the names of persons whose applications for enrollment were granted therein were forwarded to the Department through the

Secretary 9.

Indian Office January 10, 1907.

January 10, 1907, following the ruling of the Department of April 4, 1906 (I T D 4228-1906) in the case of Mary E. O'Quinn, et al., the Commissioner rendered a diecision holding that the applicants herein who were of Choctaw blood, who were residents in good faith of the Indian Territory, June 28, 1898, and whose names appeared upon the 1896 Choctaw Census Roll, and their descendants born since said roll was made and those persons who were married to any of these applicants in accordance with the laws of the Choctaw Nation should be enrolled as citizens of the Choctaw Nation, and those persons whose names did not appear on the 1896 Choctaw Census Roll, and who were not descendants of persons whose names appeared upon said roll, born since the date thereof, and those intermarried applicants who were not married to their Indian spouses in accordance with the laws of the Choctaw Nation, should be denied.

The decision therefore granted the applications for the enrollment of John T. O'Quinn, Ollie Odelphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles B. Darken Jr., Benjamin Oliver Welch, Walter Welch, Maultsy J. Lawley, Willie May Lawley, Mattie Harton, John Harton, Rachel Harton, James Harton, Mary M. Harton, Nancy Ella Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Nannie Vaughan, Mattie Vaughan, Callie Vaughan, Stella Vaughan, Roy Vaughan

William M. McCoy, Buford T. McCoy, Maud Reville, Cordie Wooley and William McCoy as citizens by blood and Fannie May O'Quinn, Katie Thompson and Mary G. McCoy as citizens by intermarriage of the Choctaw Nation, under the provisions of the Act of Congress approved July 1, 1902.

The applications for the enrollment of Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembrook Reville, John D. Woolley, James B. Woolley, Amina McCoy and Fay McCoy as minor citizens by blood of the Choctaw Nation were also granted under the provisions of the Act of Congress approved April 26, 1906.

The applications of the enrollment of John D. Thompson, Sarah Jane Darken, Murtle E. Darken and Gertrude M. Darken as citizens by blood and Franklin M. Harton, Charles B. Darken, Emma Geneva Thompson and William E. Percival as citizens by intermarriage of the Choctaw Nation were denied under the provisions of the Act of Congress approved July 1, 1902.

The applications of the enrollment of John William Thompson and Hazel Maude Thompson under the provisions of the Act of Congress approved April 26, 1906, were denied and the applications for the enrollment of Ruby O'Quinn and Narcissa S. Thompson and Narcissa Ella Percival, who died prior to September 25, 1902, were dismissed.

January 19, 1907, the record in this case, together with the decision of the Commissioner of January 19, 1907, was transmitted to the Department.

Secretary 11.

There also accompanied this letter three letters to the Department under date of January 17, 1907, as follows:

Letter transmitting schedule of citizens by blood of the Choctaw Nation, Number 16066 to 16101, inclusive.

Letter transmitting schedule of citizens by marriage of the Choctaw Nation, Number 1625 to 1625, inclusive.

Letter transmitting schedule of minor citizens by blood of the Choctaw Nation, under Act of April 26, 1906, Number 844 to 856, inclusive.

The Commissioner advised that since the preparation of these schedules the office was in receipt of Departmental letter of January 15, 1907, directing suspension of action relative to enrollment and allotment of lands to any of the applicants in the Mississippi Choctaw case of William C. Thompson, et al. and reported that the persons included in the decision in the Choctaw enrollment case of Franklin N. Barton, et al. occupied an analogous status to the persons embraced in the Mississippi Choctaw case of William C. Thompson, et al.

This office requested, if the decision of January 10,1907, were affirmed by the Department, that the schedules transmitted by approved and the office notified as early as practicable of Departmental action thereon.

February 6, 1907, this office transmitted appeal and brief filed by S. A. Apple, attorney at law, Ardmore, Indian Territory, for consideration in connection with this case and in accordance with his request there were attached to his brief copies of the roll cards of John Thompson, Choctaw D 858 and Henry Thompson, Chickasaw roll card number 1233.

Secretary 12.

February 26, 1907, referring to Departmental letter of February 23, 1907, requesting this office to forward a list of those persons whose enrollment should be cancelled in view of the opinion of the Attorney General of the United States of February 19, 1907, in the Choctaw enrollment cases of Loula West and William C. Thompson, the Commissioner to the Five Civilized Tribes reported that the case of Franklin M. Harton, et al. was analogous to the case of William C. Thompson, et al. and recommended that his decision of January 10, 1907, in so far as the same was favorable to the applicants, and the schedules above described, all transmitted with letter of January 19, 1907, be disapproved by the Department.

February 28, 1907 (Land 15812-1907) the Indian Office transmitted th report of this office of January 19, 1907, and the record and decision in the case of Franklin M. Harton, et al. and recommended, in view of the decision of the Department of Justice of February 19, 1907, in the case of William C. Thompson, et al. that the decision of the Commissioner of January 10,1907, be reversed as to the applicants enrolled therein and that all of the applicants be denied enrollment as citizens of the Choctaw Nation.

March 2, 1907 (I T D 6588-1907) the Departmen denied the applications for the enrollment of all the parties to this case.

March 4, 1907 (I T D 2080,2718,3000,6918-1907), in accordance with the recommendation of this office of February 26, 1907, the schedule of

Secretary 13.

Choctaw by blood, Numbers 16066 to 16101, inclusive,
Choctaw by marriage Numbers 1623 to 1625, inclusive,
Minor Choctaw (April 26, 1906) Numbers 844 to 855 inclusive

were disapproved by the Department. These schedules were transmitted to the Department with Indian Office letters of January 31, 1907 (Land 7292-1907), February 7, 1907 (Land 7291-1907) and February 11, 1907 (Land 7290-1907).

Inasmuch as these persons were never on an approved roll no formal allotments were ever made to them. Applications for certain lands were made by one or two of the applicants in this case which were involved in content cases which were dismissed March 4, 1907.

This office was not advised of any favorable action ever having been taken by the Department in this case.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

Choctaw 6061
Choctaw Miner
975

Muskogee, Oklahoma, June 16, 1909.

Mrs. Rachel Hunt,

Porum, Oklahoma,

Madam:

You are hereby advised that on June 2, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Franklin M. Harton et al., of which your case is a part, is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Commissioner.

AB

REFER IN REPLY TO THE FOLLOWING:

7-6061.
23-975.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 16, 1907.

Rachel Hunt,

Porum, Indian Territory.

Dear Madam:

You are hereby advised that in accordance with an opinion of the Attorney General of the United States of February 19, 1907, the Secretary of the Interior, on March 2, 1907, reversed the decision of the Commissioner to the Five Civilized Tribes of January 10, 1907, granting the application for the enrollment of yourself, John Harton, James Harton, Mattie Harton, Mary M. Harton, Nancy Ella Harton, George Pope Harton, Bertha May Harton and Viola Maude Hunt as citizens by blood of the Choctaw Nation, and on March 4, 1907, disapproved the schedules of citizens by blood of the Choctaw Nation on which the names of Mattie Harton, John Harton, James Harton, Rachel Harton, Mary M. Harton, Nancy Ella Harton, George Pope Harton, Bertha May Harton and Viola Maude Hunt appear.

Respectfully,

Commissioner.

Refer in reply to the following:

Choctaw 6061
Choctaw Minor
975

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Oklahoma, June 16, 1909.

Mrs. Rachel Hunt,

Porum, Oklahoma,

Madam:

You are hereby advised that on June 2, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Franklin M. Harton et al., of which your case is a part, is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Thos Ryan

Acting Commissioner.

AB

Choc. Minor 976

George Pope Horton

M976

Jan. 10, 1907 Granted.

Jan. 19, 1907 Record forwarded Dept.

3-4-07 Decision of Commissioner of Jan. 10, 1907 revised by Dept. and schedule containing names of this applicant disapproved.

3-1-09 Dept. requests report.

4-22-09 Report to Dept.

6-2-09 Dept. holds case is not analogous to Goldsby case and declines to take action looking to enrollment of applicant.

6-16-09 Parties notified.

7-B-725
685
73
206
217
228
278
23-971
974
975
976
977
978
979
1001

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of FRANKLIN M. HARTON, et al, as a citizen of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that in the year of 1899, application was made by Franklin M. Harton at South McAlester, Indian Territory, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Mattie Horton, and his children, John, James, Rachel, Mary M. and Nancy Ella Horton, as citizens by blood of said nation; and for the enrollment of his step-mother, Narcissa S. Thompson, as a citizen by intermarriage of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at South Canadian, Indian Territory, in September 1899, by William M. McCoy, for the enrollment of himself and his children, Buford T. McCoy, Maud McCoy, Gertie McCoy and William McCoy as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Mary S. McCoy, as a citizen by intermarriage of said nation, that application was made by William E. Perceival at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Narcissa Ella Perceival, and his minor children, Jesse, Taylor, Perrest, Katie and Rebecca Perceival, as citizens by blood of the Choctaw Nation, that on December 10, 1903, written application was made for the enrollment of Sadie Perceival as a citizen by blood of the Choctaw Nation. Subsequent proceedings show that the correct name of said applicant is Narcissa Sadie Perceival. Application was made by Charles E. Darken at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Sarah Jane Darken, and his minor children, John Henry, Charles P. Myrtle E. and Gertrude Darken, and for the enrollment of Benjamin Oliver Welch, Maultsy Lelsy and Walter Welch, children of the said Sarah Jane Darken, and for the enrollment of Willie Lelsy, minor daughter of Maultsy Lelsy, as citizen by blood of said nation; that application was made to the Commission to the Five Civilized Tribes by John T. Thompson at Calbert, Indian Territory, on June 21, 1900, for the enrollment of himself and his minor children, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson and John

Woody Thompson, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of said nation; that application was made to the Commission to the Five Civilized Tribes at South McAlester, Indian Territory, in the year 1899, by Nannie Vaughan, for the enrollment of herself and her minor children, Mattie, Callie, Stella and Roy Vaughan, as citizens by blood of the Choctaw Nation; that application was made in September, 1899, to the Commission to the Five Civilized Tribes by Thomas J. O'Quinn, for the enrollment (among others) of John T. O'Quinn and his minor daughter, Delphy O'Quinn, and Minnie L. Leddy as citizens by blood of the Choctaw Nation, and for the enrollment of May O'Quinn, wife of John T. O'Quinn, as a citizen by intermarriage of said Nation. Subsequent proceedings show that the correct name of the applicant Delphy O'Quinn is Ollie Odolphus O'Quinn.

It also appears that application was made in September, 1899, to the Commission to the Five Civilized Tribes, for the enrollment of John D. Thompson as a citizen of the Choctaw Nation, as is evidenced by the fact that in the testimony of F. M. Horton before the Commission at South McAlester, Indian Territory, in September, 1899, appears a statement made by Commissioner McKennon, as follows:

> "The name of Narcissa S. Thompson also appears upon the roll of 1896, page 401, No. 15111, as an intermarried citizen, who is the mother of Mrs. Horton, who was never intermarried with a recognized citizen of the Choctaw Nation and is a white woman. Her enrollment is also refused.
>
> A son, John D. Thompson, whose case is exactly that of the Hortons above stated, and whose enrollment is also refused.
>
> The name of F. M. Horton is also found upon the roll of intermarried persons of 1896, page 390, No. 14658, he being the husband of Mattie Horton, whose enrollment is also refused."

On January 21, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of William M. Percival as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Narcissa Ella Percival, and his minor children, Jesse Percival, Tayler Percival, Forrest Percival, Katie Percival and Rebecca Percival, as citizens by blood of the Choctaw Nation, together with the decision of the same date, rejecting all of the applicants in said case.

On the same date the Commission to the Five Civilized Tribes transmitted to the Department the record in the matter of the application of Nannie Vaughan for the enrollment of herself and her minor children, Mattie, Callie, Stella and Roy Vaughan as citizens by blood of the Choctaw Nation, together with the decision of the Commission of the same date denying said application.

On September 26, 1905, there was filed with the Department a petition of Martha Warten, relative to the right to enrollment of herself, her husband, Frances M. Warten, and her children, John P. Warten, James W. Warten, Rachel S. Warten, Mary M. Warten, and Nancy E. Warten, as citizens of the Choctaw Nation.

It will be noticed that in the original application for the enrollment of this family, the name was spelled Horton, while

in the above petition said name is spelled Harlen. Subsequent proceedings have established that said name is correctly spelled Harlon, and said name will hereafter in this decision be spelled accordingly.

On September 26, 1906, there was filed with the Department a petition of Nannie Foster (formerly Vaughan) relative to the right to enrollment of herself and her children, Mattie Vaughan, Callie Vaughan, Nannie Vaughan, Roy Vaughan and Thomas Glide Foster, as citizens of the Choctaw Nation.

On the same date there was filed with the Department a petition of William E. Percival, relative to the right to enrollment of himself as an intermarried citizen of the Choctaw Nation, and his wife, Narcissie Ella Percival, and their children, Jessie Percival, Tayler Percival, Forrest Percival, Katie Percival, Rebecca Percival and Narcissie Sadie Percival, as citizens of the Choctaw Nation.

On the same date there was filed with the Department a petition of Sarah Jane Darken, relative to the right to enrollment of herself and her children, Benjamin Oliver Welch, Maultsia J. Welch, Walter F. Welch, John Henry Darken, Charles Bradley Darken, Myrtle Elvy Darken, and Gertrude M. Darken, as citizens of the Choctaw Nation, and for the enrollment of her husband, Charles B. Darken, as a citizen by intermarriage of the Choctaw Nation.

On the same date there was filed with the Department a petition of John D. Thompson relative to the right to enrollment of himself as a citizen of the Choctaw Nation, in which he states:

> "I was married March 8, 1897, to Emma C. Weir, and as an issue of said marriage the following named children were born, John William Thompson, born July 9, 1899, and Mason Maud Thompson was born June 19, 1903."

While none of said petitions conclude with a prayer, they will be considered for the purpose of this decision as petitions for the enrollment of the persons mentioned therein as citizens by blood or intermarriage of the Choctaw Nation.

The Department in its letter of April 4, 1906 (I. T. D. 13766-1905), directed the Commissioner to the Five Civilized Tribes to adjudicate the rights of John T. Thompson, et al., to enrollment as citizens by blood of the Choctaw Nation, and instructed said Commissioner to take further testimony in the case if necessary.

The Department in its letter of April 5, 1906 (I. T. D. 1313-1906), set aside the decision of the Commissioner to the Five Civilized Tribes of January 21, 1905, in the case of William E. Percival, et al., and instructed the Commissioner to make further investigation of the right of the applicants in said case to enrollment.

The Department in its letter of the same date (I. T. D. 1272-1906), set aside the decision of the Commissioner to the Five Civilized Tribes on January 21, 1905, in the case of Nannie Vaughan, et al., and instructed the Commissioner to take further testimony in said case and to readjudicate the same.

The Department in its letter of April 19, 1906 (I. T. D. 1945-1906), transmitted a letter from John T. O'Quinn of Marlow,

Indian Territory, dated April 5, 1906, relative to his application for enrollment as a citizen of the Choctaw Nation, claiming his name was included as one of the applicants in the case of William C. Thompson, et al., and stated that no reason was seen why the rights of John T. O'Quinn should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the Choctaw Nation.

On May 4, 1906, John T. O'Quinn and Mansfield McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, were notified that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at nine o'clock A. M., hear the testimony of such witnesses as he might desire to present tending to establish his right to enrollment as a citizen by blood of the Choctaw Nation.

On May 16, 1906, John T. Thompson, Marlow, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at ten o'clock A.M., hear the testimony of such witnesses as he might desire to present in the matter of his application for enrollment as a citizen of the Choctaw Nation.

On the same date Sarah Jane Darken and Martha Harton were also notified to appear at the office of the Commissioner at ten o'clock A. M., on Monday, May 28, 1906, for the purpose of introducing testimony in support of the application for the enrollment of said Sarah Jane Darken and Martha Harton and families as citizens of the Choctaw Nation, it appearing that said Sarah Jane Darken and Martha Harton were sisters of said John T. Thompson and that application for the enrollment of said parties and their families as citizens of the Choctaw Nation had been made prior to December 25, 1902. Notice of said hearing was also forwarded the attorneys for the Choctaw and Chickasaw Nations.

On the same date William H. McCoy and Mansfield, McMurray & Cornish were notified that the Commissioner would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at ten o'clock A. M., hear the testimony of witnesses in support of the application for the enrollment of said William H. McCoy and his family as citizens of the Choctaw Nation.

On the same date Nannie Vaughan (now Nannie Foster), Talihina, Indian Territory, and Mansfield, McMurray & Cornish, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at eleven o'clock A. M., on Monday, May 28, 1906, hear the testimony of witnesses in support of the application for the enrollment of said Nannie Vaughan (now Foster) and children as citizens of the Choctaw Nation.

On the same date William H. Percival, Marlow, Indian Territory, and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at one o'clock P. M., Monday, May 28, 1906, hear the testimony of witnesses in support of the application of said William H. Percival and family as citizens of the Choctaw Nation.

On May 23, 1906, there was filed with the Commissioner to the Five Civilized Tribes a petition signed by Mary E. O'Quinn, relative to the right to enrollment of John T. O'Quinn and his children, Ollie, Odelphus O'Quinn, Ruby O'Quinn, Agnes O'Quinn, Mark O'Quinn, and Altha S. O'Quinn as citizens by blood of the Choctaw Nation, and Fannie May O'Quinn as a citizen by intermarriage of said nation.

In conformity with the above notices a hearing was had at the office of the Commissioner May 28, 1906, at which time testimony was taken relative to the rights of Minnie Lee Leddy, John D. Thompson and his two minor children, John William Thompson and Hazel Maud Thompson, as citizens by blood of the Choctaw Nation. At said hearing Wirt Franklin of the firm of Apple & Franklin, Muskogee, Indian Territory, represented the petitioners. No appearance was entered by or on behalf of the Choctaw and Chickasaw Nations.

Applications were received by the Commissioner to the Five Civilized Tribes for the enrollment of the following persons as citizens of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137): May 8, 1906, Agnes O'Quinn, born March 25, 1900; Altha S. O'Quinn, born July 8, 1905; Ollie Odelphus O'Quinn, born August 23, 1896; Mark O'Quinn, born December 9, 1902; May 14, 1906, Ruby O'Quinn, born September 12, 1898, children of John T. O'Quinn, and his wife, Fannie May O'Quinn. The application for the enrollment of Ruby O'Quinn shows that said applicant diedMarch 15, 1899. May 28, 1906, George Pope Harton, born March 2, 1906 minor child of Franklin M. Harton and Martha Ann Harton; Viola Maude Hunt, born August 17, 1906, daughter of John Hunt and his wife, Rachel Susan Hunt (nee Harton); Bertha May Harton, born February 10, 1906, minor daughter of John F. Harton andhis wife, Susie Harton; Narcissa Sadie Percival, born October 2, 1899, minor daughter of William H. Percival and Narcissa Ella Percival; June 13, 1906, Thomas Foster born June 6, 1906, minor child of the applicant, Nannie Foster, formerly Vaughan, and her husband, Louis Foster, June 18, 1906, Thomas Pembroch Reville, born August 17, 1904; Clara May Reville, born March 25, 1900, minor children of J. N. Reville and Maud Reville (nee McCoy); Amina McCoy, born July 22, 1902, and Fay McCoy, born June 12, 1906, children of Buford T. McCoy and his wife, Geneva McCoy; John D. Wooley, born February 4, 1902, and James B. Wooley, born April 30, 1904, children of Robert L. Wooley and his wife, Cordie Wooley (nee McCoy).

It appears from the records in the possession of the Commissioner to the Five Civilized Tribes that original application was filed with the Commission to the Five Civilized Tribes on September 9, 1896, for the admission of the following persons to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321):

Sarah Jane Thompson, nee Barker,
Benjamin Welch,
Maultsie Welch,
Walter Welch,
Johnny Barker,
Martha Ann Thompson, nee Harton,

James William Harton,
John F. Harton,
Susie Harton,
Narcissa Ella Thompson, now Percival,
Jessee Percival,
Taylor Percival,
Forrest Percival,
Rebecca Percival,
Katie Percival,
Nancy S. Thompson, now Vaugh n,
Hattie Vaughn,
Callie Vaughn, and
Mannie Vaughn.

The records in the possession of the Commissioner further show that on December 8, 1896, said application was denied (1896 Choctaw Citizenship Case No. 1394, entitled Sarah Jane Thompson and Martha Ann Thompson vs. Choctaw Nation). From this decision no appeal was taken.

The record herein shows that the applicant, Charles B. Darken, was married in the year 1867 to Sarah Jane Darken, in accordance with the laws of the United States, and that on October 16, 1896, said applicants were remarriedin accordance with the laws of the Choctaw Nation; that prior to her marriage to Charles B. Darken, said Sarah Jane Darken was married to Frank Welch, from whom she was lawfully divorced on November 6, 1886. The applicant, John T. O'quinn, was lawfully married on August 27, 1895, to Fannie May Calhoun; that the applicant, John T. Thompson, was lawfully married on February 17, 1887, to Katie Calhoun; that the applicant, Franklin M. Harton, was married in the year 1880, to the applicant, Mattie Harton, but said marriage was not performed in accordance with the laws of the Choctaw Nation; that the applicant, John Harton, since his application for enrollment in 1899, was married to one Susie Girty, who is enrolled as a citizen by blood of the Cherokee Nation, opposite No., 17600; that the applicant, Bertha May Harton, is the issue of said marriage, and that election was made by said John Harton for the enrollment of said Bertha May Harton as a citizen of the Choctaw Nation; that the applicant, William R. Percival, was marriedin the year 1884 to Narcissa Ella Percival; that said marriage was not performed in accordance with the laws of the Choctaw Nation; said Narcissa Ella Percival died September 5, 1902. The applicant, John D. Thompson, was married in the year 1898, to Emma Geneva Weir. The applicant, Mary C. McLaurine, was married February 2, 1876, to William R. McCoy.

The principal applicants with their families have resided continuously in the Choctaw&Chickasaw country since several years prior to 1896.

The names of the applicantsdo not appear on any of the tribal rolls of the Choctaw Nation in the possession of the Commissioner to the Five Civilized Tribes exceptthe 1896 Choctaw Census Roll, upon which appears the names of certain of the applicants, as follows:

John T. O'quinn (as T. E. O'Quinn).	Opposite No., -10039
Minnie L. Leddy (as Winnie Liddy)	8416
John T. Thompson (as Jno. T. Thompson)	18529
Mary P. Thompson	12830
William R. Thompson (as Wm. Thompson)	12831.

Charles E. Thompson (as Charles Thompson)	Opposite No.,-12532
John M. Thompson (as Jno M Thompson)	12533
John Henry Darben (as Jno. Henry Darben)	3626
Charles E. Darben, Jr. (as Charles E. Darben)	3627
Benjamin Oliver Welch (as Benjamin Welch)	14020
Walter Welch	14021
Maulsey Loley (as Maulsey Lawley)	8342
Mattie Horton	8343
Rachel Hunt (as Rachel S. Horton)	8993
John Horton (as Johnie Horton)	8994
James Horton (as Jimmie Horton)	8995
Mary M. Horton	8996
Narcissa Ella Perceival (as Narcissa Perceivill)	8997
Jesse Perceival (as Jesse Perceivill)	10554
Tayler Perceival (as Tayler Perceivill)	10555
Forrest Perceival (as Forrest Perceivill)	10556
Katie Perceival (as Kate Perceivill)	10557
Rebecca Perceival (as Rebecca Perceivill)	10558
Bennie Vaughan (as Bennie Vaughn)	10559
Mattie Vaughan (as Mattie Vaughn)	12631
Callie Vaughan (as Callie Vaughn)	12632
Stella Vaughan (as Stella Vaughn)	12633
William M. McCoy	12634
Buford T. McCoy	9507
Mandie McCoy	9508
Cordie McCoy	9509
William McCoy	9510
	9511

The name of Katie Thompson appears upon said roll as Kate Thompson, opposite No. 12126, as a citizen by intermarriage of the Choctaw nation. The name of Mary S. McCoy also appears on said roll opposite No. 14092, as a citizen by intermarriage of the Choctaw Nation. The name of C. E. Darben also appears on said roll opposite No. 14485, as a citizen by intermarriage of the Choctaw Nation.

The name of the applicant, Sarah Jane Darben, does not appear upon the 1896 Choctaw Census Roll in the possession of the Commissioner to the Five Civilized Tribes. On September 21, 1906, there was filed with the Commissioner the affidavits of Wirt Franklin, executed September 20, 1906, in which he states that the Acting Commissioner who conducted the hearing in this case failed to identify upon the 1896 Choctaw Census Roll the name of Sarah Jane Darben, but that he did identify upon the said roll the names of her children who were then living; that as attorney for the applicants, he asked for the "roll of citizens by blood, of Atoka County, Indian Territory, of September 25, 1896", prepared by three Commissioners for that county, who were appointed under an act of the Choctaw Council approved September 18, 1896; that said roll was brought forth; that he examined the same and found on page 80 thereof the names of Sarah J. Darben, age 34, Benjamin Welch, age 17, and Walter Welch, age 14, John Henry Darben, age 8 and Charles E. Darben, age 5, that opposite the name of Sarah J. Darben is written in a different hand these surnames and with lead pencil the word "doubtful"; that opposite the names of the others there appears the letters "D.K." also written with lead pencil, while the names themselves were written with pen and ink; that he asked the Acting Commissioner at the time these names were found on the said county

roll to make a statement in the record which was then being made in this citizenship case, setting forth what this roll showed in regard to these applicants, but he not only refused to make the statement in the record himself, but denied the affiant the right to do so as attorney for the applicants. The roll referred to in said affidavit is a book designated as "Choctaw Census Roll, No. 0", and endorsed on the outside cover thereof "Choctaws residing in Chickasaw Nation; Memorandum Roll; Roll of". Said book has never been considered by the Commission to the Five Civilized Tribes, or its successor, as an authentic roll of the citizens of the Choctaw Nation.

In the case of Nancy J. Murphy, et al, decided adverse to the applicants by the Commission to the Five Civilized Tribes on January 26, 1903, it was stated as follows:

"It further appears that the name of the applicant (written Nancy Murphy) is found on page 244 on the original memorandum record kept by the Enumerator for Atoka County, Choctaw Nation, in making the 1896 Choctaw Census Roll under the heading "Doubtful, claims citizenship, but her name does not appear upon any of the recognized Choctaw tribal rolls in the possession of the Commission as a citizen of said Nation".

The Department in its letter of May 18, 1903 (I. T. D. 4342-1903) approved the decision of the Commission of January 26, 1903. The memorandum referred to in said case is the book mentioned in the affidavit of Mr. Franklin. Said book, together with a report concerning same, was forwarded to the Department with a letter of the Acting Commissioner to the Five Civilized Tribes dated September 1, 1906, returning certain petitions forwarded by the Department in its letter of May 7, 1906 (I. T. D. 5244-1906) relative to the application for the enrollment of Nancy J. Murphy, et al, as citizens of the Choctaw Nation.

The name of John D. Thompson does not appear upon the 1896 Choctaw Census Roll in the possession of the Commissioner to the Five Civilized Tribes. Besides the names of John M. Thompson and John T. Thompson mentioned above, the name of John Thompson appears upon the 1896 Choctaw Census Roll opposite No. 12504, Jacksfork County age 11 years. The age of the applicant John D. Thompson is given as 36 years. It is, therefore, clear that the applicant is not identical with the John Thompson whose name appears on the Choctaw Census Roll opposite No., 12504, Jacksfork County,

The name of John Thompson, age 27 years, Atoka County, also appears upon the 1896 Choctaw Census roll. It appears that in the preparation of said roll the names of the members of each family were grouped together.

Attached to the record herein is a copy of ... pages 324 and 325 of said roll upon which appears the name of John Thompson opposite No. 12455.

It will be noticed that the age of the applicant, John D. Thompson corresponds with the age of John Thompson, whose name appears on said roll opposite No. 12455. It will also be noticed that immediately following the name of John Thompson on the 1896 Choctaw Census Roll and opposite No. 12456 appears the name of Gertrude Thompson.

On February 15, 1906, this office addressed a letter to Gertrude Thompson at Hewitt, Indian Territory, requesting to be advised of the whereabouts of said John Thompson. On February 17 1906, said Gertrude Thompson addressed a letter to the Commissioner in which she stated that she knew nothing of such a person, unless it was John Henry Thompson, her husband, with whom she does not now reside; that said John Henry Thompson is a Chickasaw by blood instead of a Choctaw, and that she does not think that her name and said John Thompson's name have been placed together on any of the rolls since 1896.

On June 2, 1906, there was filed with the Commissioner by Apple & Franklin, the affidavit of Henry Thompson, in which he states that he is 31 years of age, and was the husband of Gertrude Thompson, a Choctaw citizen by blood. That he is a citizen by blood of the Chickasaw Nation; that his full name is John Henry Thompson, and that he has generally been known as Henry Thompson; that he never made an attempt to get on the 1896 Choctaw Census Roll because he is a Chickasaw by blood and was enrolled on the 1896 Chickasaw Census Roll, but he does not think his name appears on the 1896 Choctaw Census Roll for Atoka County; that if the name, John Thompson, appears on the Choctaw Census Roll, number 12455, he does not think it was meant for him, because he made no attempt to have his name placed on said roll, and does not know of any one else giving his name to the enumerators.

The name of Henry Thompson appears upon the 1896 Chickasaw Census Roll, and upon the final roll of citizens by blood of the Chickasaw Nation approved by the Secretary of the Interior opposite No. 3594.

Granting the truth of the statement contained in the affidavit of Henry Thompson that his name was placed on the 1896 Chickasaw Census Roll and that he made no effort to have his name placed on the 1896 Choctaw Roll, it is not probable that this fact would have prevented the Census committee from placing his name upon said 1896 Choctaw Census Roll. It is evident from the letter of Gertrude Thompson, above referred to, that it was her understanding that the names of herself and her husband were placed upon the 1896 Choctaw Census Roll together, and the fact that the name of John Thompson was placed on said roll, together with said Gertrude Thompson, seems to clearly indicate that John Thompson is identical with John Henry Thompson, and therefore, not identical with John D. Thompson. It also appears from the testimony of John Thompson on May 28, 1906, that he was not living in the Choctaw Nation in the year 1896 but was living in the Comanche country. It will be observed that the age of John Thompson appears on the 1896 Choctaw Census Roll as 27 years, while the age of Henry Thompson is given inhis evidence of May 30 1906, as 31 years. This discrepancy, however, is easily accounted for by the fact that said Henry Thompson states that he made no effort to have his name placed on said roll. The information concerning his age was, therefore, evidently obtained by the Census Committee from some third

person, and it is probably that his age might have been incorrectly given to said Committee.

It appears from the record herein that the applicant, Narcissa S. Thompson, died in August, 1901.

Following the ruling of the Department of April 4, 1906, (I. T. D. 4222-1906), in the case of Mary R. O'Quinn, et al., I am of the opinion that the applicants herein, who are of Choctaw blood, who were residents in good faith of the Indian Territory on June 28, 1898, and whose names appear upon the 1896 Choctaw Census Roll, and their descendants born since said roll was made, and those persons who were married to any of said applicants in accordance with the laws of the Choctaw Nation, should be enrolled as citizens of the Choctaw Nation.

I am further of the opinion that the applications for the enrollment of the applicants herein, whose names do not appear upon the 1896 Choctaw Census Roll, and who are not descendants of persons whose names do appear upon said roll, born since the date thereof, and those intermarried applicants who were not married to their Indian spouses in accordance with the laws of the Choctaw Nation, should be denied.

I am, therefore, of the opinion that the applicants, John T. O'Quinn, Ollie Odelphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles B. Darken, Jr., Benjamin Oliver Welch, Walter Welch, Maultay J. Lawley, Willie May Lawley, Mattie Harton, John Harton, Rachel Harton, James Harton, Mary M. Harton, Nancy Rila Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Nannie Vaughan, Hattie Vaughan, Cellie Vaughan, Stella Vaughan, Roy Vaughan, William H. McCoy, Buford T. McCoy, Maud Reville, Cordie Woolley and William McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicants, Fannie May O'Quinn, Katie Thompson and Mary G. McCoy, should be enrolled as citizens by intermarriage of the Choctaw Nation under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicant, Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembroke Reville, John D. Woolley, James B. Woolley, Amina McCoy and Fay McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that the record herein establishes that application was made for the enrollment of John D. Thompson as a citizen by blood of the Choctaw Nation, and for the enrollment of Emma Geneva Thompson as a citizen by intermarriage of said Nation, within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and that the same should now be determined upon its merits, and it is so ordered.

I am further of the opinion that the applications for the enrollment of John D. Thompson, Sarah Jane Darken, Myrtle E.

Burton and Gertrude E. Burton as citizens by blood of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applications for the enrollment of Franklin E. Burton, Charles E. Burton, Emma Gentry Thompson and William E. Percival as citizens by intermarriage of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition filed by John E. Thompson, September 26, 1905, in so far as it applies to John William Thompson and Hazel Mamie Thompson should be considered as an application for the enrollment of said persons as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), that said application should be denied, and it is so ordered.

I am further of the opinion that the application for the enrollment of Betty O'Quinn, who the record shows died March 15, 1899, and for the enrollment of Narcissa E. Thompson and Narcissa Ella Percival, who the record shows died prior to September 25, 1902, should be dismissed, and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES,

Muskogee, Indian Territory.

D.C.M.

GAF

J.F.M.
J.W.M.
W.C.P.
F.W.L.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

March 1, 1909.

File 8-51.

The Commissioner
to the Five Civilized Tribes.

Sir:

January 25, 1909, you were advised that the names of certain persons were inadvertently included in Departmental letter of January 19, 1909 (File 8-51); that such mistake was due to the fact that it was supposed they were enrolled upon schedules approved by the Department, when in fact, the only schedules upon which their names appear were disapproved, and that no action should be taken under the circumstances looking to the erasure of interlineations or notations, if any, from the disapproved schedules, in connection with their names.

The names of the persons referred to in said letter of January 25, 1909, are as follows:

The Dawes by Blood.

Roll No.		
16103	16103	Elizabeth Allen.
	16112	George A. Bumgarner.
	16110	Lautitia Crutchfield.
	16106	Everett Crutchfield

16111	George W. Crutchfield.
16106	Ida Crutchfield.
16107	Ima Crutchfield.
16108	Louvinia Crutchfield.
16109	William Crutchfield.
921	Josephine Laflere Long.
922	Jake Laflere Long.
16104	David Ritter.

It now appears from the records of the Secretary's Office that there was a schedule approved approved May 21, 1904, by the Secretary of the Interior, and that the approval then given was cancelled by said Secretary at a later date, to-wit, June 28, 1904.

The name of Elizabeth Allen appears upon the schedule which was approved May 21, 1904, opposite the number 15551. IdaCrutchfield's name appears opposite No. 15553, while the other members of the Crutchfield family were given the numbers immediately following that assigned to her.

You are requested to cause a report to be prepared showing whether the records of your office also show that an earlier schedule containing the names of said persons was approved May 21, 1904; also whether such approval was cancelled June 28, 1904. Please report also the reason for the attempted cancellation, and whetherprior notice was given thereof.

It appears further that, in connection with the names of Elizabeth Allen and the Crutchfield family on the roll approved May 21, 1904, the names of Ardella Nichuss, Ida M. Southard and Grover Randall are also to be found.

In connection with said names, it is desired that you will report what action, in your opinion, should be taken concerning the first of said persons; also whether the said Ida M. Southard and Grover Randall, respectively, are identical with the Ida M. Southard whose name appears opposite No. 15860 in the printed rolls of citizens by blood of the Choctaw Nation, and the Grover Randall whose name appears on page 8 of Departmental letter of January 19, 1909 (File 8-31), opposite No. 15928.

As appears from the above list, there were other persons besides the said Allen and Crutchfields whose names were enrolled on schedules which were finally disapproved by the Department: for example, George A. Bumgarner, Josephine Laflore Long and Jake Laflore Long.

Please report whether the names of these persons appear upon any prior approved schedule; also why it was that the Commissioner to the Five Civilized Tribes enrolled them upon the schedule which was disapproved by the Department, showing whether the Commissioner enrolled them thereon, of his own motion, or under decision or instructions from the Department.

By comparison of the roll approved May 21, 1904, with the printed rolls of Choctaws by blood, the Department

finds that the numbers appearing thereon opposite the names of said persons were subsequently assigned to other citizens of the Choctaw Nation; thereby the series of roll numbers was kept perfect, but a material portion of the rolls was evidently sacrificed upon the supposition that it had become worthless. Inquiry arises in this connection as to whether there were other approved schedules which were subsequently disapproved and thrown aside. Accordingly, it is desired that you also cause a r port to be prepared covering this feature of the matter, showing all persons embraced in similar cases, with recommendation as to what action should be taken as to them. This will necessitate a statement as to why their names were stricken or cancelled from the rolls, and whether such action was taken without prior notice.

There is still another matter concerning which the Department desires report to be made. It is observed that the words "No person enrolled at this number" are to be found not infrequently opposite consecutive numbers on the pages of the printed rolls; and you are requested to advise the Department whether such words were substituted for the names of individuals appearing on disapproved schedules, and if such is the case, whether such disapproved schedules were approved at any time by the Department; also whether favorable decisions were ever rendered by the Department as to such persons prior to their enrollment upon such disapproved schedules.

For the sake of expedition, a partial report should be rendered at once concerning the said Elizabeth Allen and the various members of the Crutchfield family named above. The other matters referred to herein can be disposed of by subsequent reports.

Very respectfully,

James M. Wilson

Assistant Secretary.

Through the

Indian Office.

D 294-1909.

Muskogee, Oklahoma, April 22, 1909.

Subject:

Reporting on Departmental letter of March 1, 1909, relative to Franklin M. Harton et al. whose names were on schedules which were disapproved by the Department.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental letter of March 1, 1909 (File 5-51) in which reports were requested as to certian persons whose enrollment was disapproved by the Secretary of the Interior, and at whose numbers in the printed rolls appears the notation "No person enrolled at this number."

Reports have heretofore been made as to certain of the matters referred to in Departmental letter above named and I have the honor to state that the case of Franklin M. Harton, et al. comes within the class described, and to report therein as follows:

It appears from the records in the possession of this office that original application was filed with the Commission to the Five Civilized Tribes on September 9, 1896, under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321) in a case entitled Sarah Jane Thompson and Martha

Secretary 2.

Ann Thompson versus the Choctaw Nation, 1896 Choctaw Citizenship Case Number 1394, for the admission of Sarah Jane Thompson, now Darken, Benjamin Welch, Maultsie Welch, Walter Welch, Johny Darken, Martha Ann Thompson, now Harton, James William Harton, John F. Harton, Susie Harton, Narcissa Ella Thompson, now Percival, Jesseee Percival, Taylor Percival, Forrest Percival, Rebecca Percival, Katie Percival, Nancy S. Thompson, now Vaughn, Hattie Vaughn, Callie Vaughn and Nannie Vaughn as citizens of the Choctaw Nation.

Dacember 8, 1896, the Commissioner denied this application, from which decision no appeal was taken to the United States Court in Indian Territory as provided by the Act of Congress approved June 10, 1896.

Subsequent to this action of the Commission to the Five Civilized Tribes and prior to the time fixed for the closing of the rolls applications were made to the Commission on behalf of the following persons for enrollment as citizens by blood and intermarriage of the Choctaw Nation:

Franklin M. Horton for enrollment as a citizen by intermarriage and for the enrollment of his wife, Mattie Horton, and his children, John Horton, James Horton, Rachel Horton, Mary M. Horton and Nancy Ella Horton, as citizens by blood, and for the enrollment of his step-mother, Narcissa S. Thompson, as a citizen by intermarriage of the Choctaw Nation.

William H. McCoy for the enrollment of himself and his children, Buford T. McCoy, Maud McCoy, Cordie McCoy and William

Secretary S.
McCoy as citizens by blood and for the enrollment of his wife, Mary G. McCoy, as a citizen by intermarriage of said nation.

William E. Percival for enrollment as a citizen by intermarriage, and for the enrollment of his wife, Narcissa Hila Percival, and his children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival and Sadie (Narcissa Sadie) Percival, as citizens by blood of the Choctaw Nation.

Charles B. Darken for enrollment as a citizen by intermarriage and for the enrollment of his wife, Sarah Jane Darken, and his minor children, John Henry Darken, Charles B. Darken, Myrtle E. Darken and Gertrude Darken, and his step-children, Benjamin Oliver Welch, Maultsy Loley and Walter Welch, and Willie Loley, daughter of Maultsy Loley, as citizens by blood of the Choctaw Nation.

John T. Thompson for the enrollment of himself and his children, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, and John Moody Thompson, as citizens by blood and for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of the Choctaw Nation

Mannie Vaughan for the enrollment of herself and her children, Hattie Vaughan, Callie Vaughan, Stella Vaughan and Roy Vaughan, as citizens by blood of the Choctaw Nation.

John T. O'Quinn and his minor daughter, Dolphy (Ollie

Odolphus)O'Quinn and Minnie L. Leddy as citizens by blood and for the enrollment of May O'Quinn, wife of John T. O'Quinn, as a citizen by intermarriage of said nation.

John D. Thompson for enrollment as a citizen by blood of the Choctaw Nation.

January 21, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of William B. Percival, his wife, Narcissa Ella Percival, and his children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival and Rebecca Percival as citizens of the Choctaw Nation, together with the decision of that date, refusing all the applicants in the case, to the Department.

On the same date the record in the matter of the application of Nannie Vaughan for the enrollment of herself and her minor children, Hattie Vaughan, Callie Vaughan, Stella Vaughan and Rey Vaughan as citizens by blood of the Choctaw Nation, together with decision of that date, was transmitted to the Department.

September 26, 1905, there was filed with the Department a petition of Martha Harten relative to the right to enrollment of herself, her husband, Erances M. Harten, and her children, John F. Harten, James W. Harten, Rachel S. Harten, Mary M. Harten and Nancy E. Harten, as citizens of the Choctaw Nation.

In the original application for the enrollment of this

family the name was spelled Norton while in the above petition the name is spelled Harten. The subsequent proceedings established that the name is correctly spelled Harton and it is so spelled hereafter.

September 26, 1905, there were also filed with the Department petitions on behalf of Nanie Foster, (formerly Vaughan) and her children, Sarah Jane Darken and her children, and John D. Thompson and his children, William E. Percival, et al.

The Department on April 4, 1906 (I. T. D. 13766-1905) directed the Commissioner to the Five Civilized Tribes to adjudicate the rights of John T. Thompson, et al. to enrollment as citizens by blood of the Choctaw Nation and to take further testimony in the case, if necessary.

April 5, 1906 (I T D 1313-1906) the Department set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of William E. Percival, et al. and instructed the Commissioner to make further investigation of the rights of the applicants to enrollment.

In its letter of the same date (I T D 1272-1905) the Department set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of Mannie Vaughan, et al. and directed the Commissioner to take further testimony in said case and readjudicate the same.

The Department, in its letter of April 17, 1906 (I T D 1745-1906) transmitted a letter from John T. O'Quinn, of Marlow,

Indian Territory, of April 5, 1906, relative to his application for enrollment as a citizen of the Choctaw Nation, and satated that no reason was seen why his rights should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the Choctaw Nation.

In accordance with the above Departmental instructions, the principal applicants in these cases, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations were notified that a hearing would be had in these cases at the office of the Commissioner to the Five Civilized Tribes, Muskogee, Indian Territory, on Monday, May 28, 1906, and in conformity with these notices proceedings were had at that time and place.

Applications were received by the Commissioner to the Five Civilized Tribes, under the Act of Congress approved April 26, 1906 (34 Stat.,137) for the enrollment of Agnes O'Quinn, Altha S. O'Quinn, Ollie Odolphus O'Quinn, Mark O'Quinn and Ruby O'Quinn, children of John T. O'Quinn and his wife, Fannie May O'Quinn; George Pope Marton, child of Franklin M. Marton and Martha Ann Marton; Viola Maude Hunt, daughter of John Hunt and his wife, Rachel Susan Hunt, nee Marton;Bertha May Marton, daughter of John F. Marton and his wife, Susie Marton; Narcissa Sadie Percival, daughter of William E. Percival and Narcissa Ella Percival; Thomas Foster, child of Nannie Foster, formerly Vaughan, and her husband, Louis Foster;

Secretary 7.

Thomas Pembrook Reville, and Clara May Reville, children of J. M. Reville and Maud Reville, nee McCoy; Amina McCoy and Ray McCoy, children of Buford T. McCoy and his wife, Geneva McCoy; John D. Wooley and James B. Wooley, children of Robert L. Wooley and his wife, Cordie Wooley, nee McCoy.

It appears from the Choctaw tribal rolls in the possession of this office that the following applicants in this case are identified upon the 1896 Census Roll of the Choctaw Nation:

John T. O'Quinn (as T. E. O'Quinn), Minnie L. Leddy (as Winnie Liddy), John T. Thompson (as Jno. T. Thompson), Mary P. Thompson, William B. Thompson (as Wm. Thompson), Charles S. Thompson (as Charles Thompson), John M. Thompson (as Jno. M. Thompson), John Henry Darken (as Jno. Henry Darken), Charles B. Darken, Jr. (as Charles B. Darken), Benjamin Oliver Welch (as Benjamin Welsh), Walter Welch, Maultsy Loley (as Maulsey Lawley), Mattie Horton, Rachel Hunt (as Rachel S. Horton), John Horton (as Johnie Horton), James Horton (as Jimmie Horton) Mary M. Horton, Narcissa Ella Percival (as Narcissus Percivill) Jesse Percival (as Jesse Percivill), Taylor Percival (as Taylor Percivill), Forrest Percival (as Forrest Percivill), Katie Percival (as Kate Percivill), Rebecca Percival (as Rebecca Percivill), Nannie Vaughan (as Nannie Vaughn), Hattie Vaughan (as Hattie Vaughn), Callie Vaughan (as Callie Vaughn), Stella Vaughan (as Stella Vaughn), William H. McCoy, Buford T. McCoy,

Secretary 8.

Maudie McCoy, Cordie McCoy and William McCoy, Katie Thompson (as Kate Thompson), Mary G. McCoy and C. B. Darken.

November 17, 1906 (I T D 13807-1906) the Department requested an immediate report as to the status of the Choctaw enrollment cases of John T. Thompson, et al., William H. McCoy, et al., Charles B. Darkin, et al., Franklin M. Harton, et al., William E. Percival, et al., Nannie Foster (formerly Vaughan) et al. and John T. O'Quinn, et al.

December 11, 1906, this office reported that the case of William M. McCoy, et al. had been consolidated with the case of John T. Thompson, et al. and these cases were then receiving consideration and would be forwarded for Departmental action at an early date.

January 24, 1907, the Indian Office transmitted this report to the Department and advised that the record had not, up to that time, been received. January 31, 1907 (I T D 1682-1907) the Department requested to be advised at once the status of this case. February 18, 1907, this office advised that the application of John T. Thompson et al. for enrollment as citizens of the Choctaw Nation was consolidated with the case of Franklin M. Harton, et al. and the record in the case, together with the decision of January 10, 1907, and schedules comprising the names of persons whose applications for enrollment were granted therein were forwarded to the Department through the

Secretary 9.

Indian Office January 19, 1907.

January 10, 1907, following the ruling of the Department of April 4, 1906 (I f D 4222-1906) in the case of Mary B. O'Quinn, et al., the Commissioner rendered a dicision holding that the applicants herein who were of Choctaw blood, who were residents in good faith of the Indian Territory, June 28, 1898, and whose names appeared upon the 1896 Choctaw Census Roll, and their descendants born since said roll was made and those persons who were married to any of these applicants in accordance with the laws of the Choctaw Nation should be enrolled as citizens of the Choctaw Nation, and those persons whose names did not appear on the 1896 Choctaw Census Roll, and who were not descendants of persons whose names appeared upon said roll, born since the date thereof, and those intermarried applicants who were not married to their Indian spouses in accordance with the laws of the Choctaw Nation, should be denied.

The decision therefore granted the applications for the enrollment of John T. O'Quinn, Ollie Odolphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darman, Charles B. Darbon Jr., Benjamin Oliver Welch, Walter Welch, Manlsey J. Lawley, Willis Way Lawley, Mattie Barton, John Barton, Rachel Barton, James Barton, Mary M. Barton, Nancy Ella Barton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcisse Sadie Percival, Mannie Vaughan, Mattie Vaughan, Callie Vaughan, Stella Vaughan, Roy Vaughan

William M. McCoy, Buford T. McCoy, Maud Reville, Cordie Wooley and William McCoy as citizens by blood and Fannie May O'Quinn, Katie Thompson and Mary G. McCoy as citizens by intermarriage of the Choctaw Nation, under the provisions of the Act of Congress approved July 1, 1902.

The applications for the enrollment of Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembrook Reville, John D. Woolley, James.B. Woolley, Anina McCoy and Fay McCoy as minor citizens by blood of the Choctaw Nation were also granted under the provisions of the Act of Congress approved April 26, 1906.

The applications of the enrollment of John D. Thompson, Sarah Jane Darken, Martie E. Darken and Gertrude M. Darken as citizens by blood and Franklin M. Harton, Charles B. Darken, Emma Geneva Thompson and William E. Percival as citizens by intermarriage of the Choctaw Nation were denied under the provisions of the Act of Congress approved July 1, 1902.

The applications of the enrollment of John Willian Thompson and Hazel Maude Thompson under the provisions of the Act of Congress approved April 26, 1906, were denied and the applications for the enrollment of Ruby O'Quinn and Narcissa S. Thompson and Narcissa Ella Percival, who died prior to September 25, 1902, were dismissed.

January 19, 1909, the record in this case, together with the decision of the Commissioner of January 10, 1909, was transmitted to the Department.

Secretary 11.

There also accompanied this letter three letters to the Department under date of January 17, 1907, as follows:

Letter transmitting schedule of citizens by blood of the Choctaw Nation, Number 16066 to 16101, inclusive.

Letter transmitting schedule of citizens by marriage of the Choctaw Nation, Number 1623 to 1625, inclusive.

Letter transmitting schedule of minor citizens by blood of the Choctaw Nation, under Act of April 26, 1906, Number 844 to 856, inclusive.

The Commissioner advised that since the preparation of these schedules the office was in receipt of Departmental letter of January 15, 1907, directing suspension of action relative to enrollment and allotment of lands to any of the applicants in the Mississippi Choctaw case of William C. Thompson, et al. and reported that the persons included in the decision in the Choctaw enrollment case of Franklin N. Harton, et al. occupied an analogous status to the persons embraced in the Mississippi Choctaw case of William C. Thompson, et al.

This office requested, if the decision of January 10,1907, were affirmed by the Department, that the schedules transmitted by approved and the office notified as early as practicable of Departmental action thereon.

February 6, 1907, this office transmitted appeal and brief filed by S. A. Apple, attorney at law, Ardmore, Indian Territory, for consideration in connection with this case and in accordance with his request there were attached to his brief copies of the roll cards of John Thompson, Choctaw D 838 and Henry Thompson, Chickasaw roll card number 1233.

Secretary 12.

February 26, 1907, referring to Departmental letter of February 23, 1907, requesting this office to forward a list of those persons whose enrollment should be cancelled in view of the opinion of the Attorney General of the United States of February 19, 1907, in the Choctaw enrollment cases of Leula West and William C. Thompson, the Commissioner to the Five Civilized Tribes reported that the case of Franklin M. Barton, et al. was analogous to the case of William C. Thompson, et al. and recommended that his decision of January 10, 1907, in so far as the same was favorable to the applicants, and the schedules above described, all transmitted with letter of January 19, 1907, be disapproved by the Department.

February 26, 1907 (Land 13812-1907) the Indian Office transmitted th report of this office of January 19, 1907, and the record and decision in the case of Franklin M. Barton, et al. and recommended, in view of the decision of the Department of Justice of February 19, 1907, in the case of William C. Thompson, et al. that the decision of the Commissioner of January 10,1907, be reversed as to the applicants enrolled therein and that all of the applicants be denied enrollment as citizens of the Choctaw Nation.

March 2, 1907 (I T D 6588-1907) the Department denied the applications for the enrollment of all the parties to this case.

March 4, 1907 (I T D 2080,2716,3000,6918-1907), in accordance with the recommendation of this office of February 26, 1907, the schedule of

Secretary 13.

Choctaw by Blood, Numbers 16066 to 16101, inclusive,
Choctaw by marriage Numbers 1623 to 1625, inclusive,
Minor Choctaw (April 26, 1906) Numbers 844 to 855 inclusive

were disapproved by the Department. These schedules were transmitted to the Department with Indian Office letters of January 31, 1907 (Land 7292-1907), February 7, 1907 (Land 7291-1907) and February 11, 1907 (Land 7290-1907).

Inasmuch as these persons were never on an approved roll no formal allotments were ever made to them. Applications for certain lands were made by one or two of the applicants in this case which were involved in contest cases which were dismissed March 4, 1907.

This office was not advised of any favorable action ever having been taken by the Department in this case.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

Land
31748-1909
J E D

Jun 1 1909

Enrollment case of Franklin
M. Harton et al.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of March 1, 1909 (File 5-51) there is transmitted herewith a report of April 22, 1909, from the Commissioner to the Five Civilized Tribes relative to the consolidated Choctaw enrollment case of Franklin M. Harton, et al. The record and other papers are also inclosed. From the Commissioner's report it does not appear that the names of any of the applicants in the consolidated case above named were ever placed on any roll of Choctaw citizens prepared by the Commission or the Commissioner to the Five Civilized Tribes and approved by the Department, or that the Department ever rendered any decision favorable to their enrollment.

The Office is of the opinion that the case of Franklin M. Harton et al is not analogous to that of John E. Goldsby (211 U. S. 249) and therefore recommends that the Department take no action looking to their enrollment.

Very respectfully,

R. G. Valentine

Acting Commissioner.

MCMcC-27
1561

June 2, 1909.

APPROVED:
Frank Pierce
First Assistant Secretary.

W R L

DEPARTMENT OF THE INTERIOR,

Land
31748-1909
J R D

OFFICE OF INDIAN AFFAIRS, G.R.

WASHINGTON. Jun 7 1909

Enrollment case of
Franklin M. Harton
et al.

The Commissioner

to the Five Civilized Tribes,

Muskogee, Oklahoma.

Sir:

Referring to your report of April 22, 1909, relative to the consolidated Choctaw enrollment case of Franklin M. Harton et al. you are advised that on June 2, 1909, the Department held that the case mentioned is not analogous to that of John M. Goldsby (211 U. S. 249), and therefore declined to take any action looking to the enrollment of any of the applicants therein as citizens of the Choctaw Nation. A copy of approved Office letter of June 1, 1909 is inclosed for your further information.

You are requested to notify the proper persons of this action of the Department.

Very respectfully,

C. F. Hauke

Chief Clerk.

MCMcC-4
1870

Choctaw 6061
Choctaw Miner
976.

Muskogee, Oklahoma, June 16, 1909.

Franklin M. Harton,

Poruma, Oklahoma,

Sir:

You are hereby advised that on June 2, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Franklin M. Harton et al. is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Commissioner.

AB

7-R-475

Muskogee, Indian Territory, August 10, 1906.

S. A. Apple,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of July 26, 1906, enclosing affidavits of Martha Ann Harton and Franklin M. Harton to the birth of Nancy Ella Harton, child of Franklin M. and Martha Ann Harton, February 17, 1899; also affidavits of Martha Ann Harton and LaWanda Baker to the birth of George Pope Harton, child of Franklin M. and Martha Ann Harton, March 2, 1906; also affidavits of Rachel Susan Hunt and Martha Ann Harton to the birth of Viola Maude Hunt, child of John and Rachel Susan Hunt, August 17, 1905.

Respectfully,

Commissioner.

Choc. Minor 977

Amina McCoy.

Fay "

M977

Jan. 10, 1907 Granted.

1-19-07 Record forwarded Dept.

3-4-07 Decision of Commissioner Jan. 10, 1907 revised and schedule containing names of applicants disapproved.

3-1-09 Dept. requests report.

4-22-09 Report to Dept.

6-2-09 Dept. holds case is not analogous to Goldsby case and declines to take action looking to enrollment of applicant.

6-16-09 Parties notified.

7-R-725
685
73
205
217
225
475
23-971
974
975
976
977
978
979
1001

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of FRANKLIN M. HARTON, et al, as a citizen of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that in the year of 1899, application was made by Franklin M. Horton at South McAlester, Indian Territory, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Mattie Horton, and his children, John, James, Rachel, Mary M. and Nancy Ella Horton, as citizens by blood of said nation; and for the enrollment of his step-mother, Narcissa S. Thompson, as a citizen by intermarriage of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at South Canadian, Indian Territory, in September 1899, by William M. McCoy, for the enrollment of himself and his children, Buford T. McCoy, Maud McCoy, Cordie McCoy and William McCoy as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Mary G. McCoy, as a citizen by intermarriage of said nation, that application was made by William M. Perceival at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Narcissa Ella Perceival, and his minor children, Jesse, Taylor, Forrest, Katie and Rebecca Perceival, as citizens by blood of the Choctaw Nation, that on December 10, 1903, written application was made for the enrollment of Sadie Perceival as a citizen by blood of the Choctaw Nation. Subsequent proceedings show that the correct name of said applicant is Narcissa Sadie Perceival. Application was made by Charles B. Darken at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Sarah Jane Darken, and his minor children, John Henry, Charles P. Myrtle E. and Gertrude Darken, and for the enrollment of Benjamin Oliver Welch, Maultsy Loley and Walter Welch, children of the said Sarah Jane Darken, and for the enrollment of Willie Loley, minor daughter of Maultsy Loley, as citizen by blood of said nation; that application was made to the Commission to the Five Civilized Tribes by John T. Thompson at Calbert, Indian Territory, on June 21, 1900, for the enrollment of himself and his minor children, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson and John

Moody Thompson, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of said nation; that application was made to the Commission to the Five Civilized Tribes at South McAlester, Indian Territory, in the year 1899, by Nannie Vaughan, for the enrollment of herself and her minor children, Hattie, Callie, Stella and Roy Vaughan, as citizens by blood of the Choctaw Nation; that application was made in September, 1899, to the Commission to the Five Civilized Tribes by Thomas J.O'Quinn, for the enrollment (among others) of John T. O'Quinn and his minor daughter, Dolphy O'Quinn, and Minnie L. Leddy as citizens by blood of the Choctaw Nation, and for the enrollment of May O'Quinn, wife of John T. O'Quinn, as a citizen by intermarriage of said Nation. Subsequent proceedings show that the correct name of the applicant Dolphy O'Quinn is Ollie Odolphus O'Quinn.

It also appears that application was made in September, 1899, to the Commission to the Five Civilized Tribes, for the enrollment of John D. Thompson as a citizen of the Choctaw Nation, as is evidenced by the fact that in the testimony of F. M. Horton before the Commission at South McAlester, Indian Territory, in September, 1899, appears a statement made by Commissioner McKennon, as follows:

> "The name of Narcissa S. Thompson also appears upon the roll of 1896, page 401, No. 15111, as an intermarried citizen, who is the mother of Mrs. Horton, who was never intermarried with a recognized citizen of the Choctaw Nation and is a white woman. Her enrollment is also refused.
>
> A son, John D. Thompson, whose case is exactly that of the Hortons above stated, and whose enrollment is also refused.
>
> The name of F. M. Horton is also found upon the roll of intermarried persons of 1896, page 390, No. 14658, he being the husband of Mattie Horton, whose enrollment is also refused."

On January 21, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of William E. Percival as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Narcissa Ella Percival, and his minor children, Jesse Percival, Tayler Percival, Forrest Percival, Katie Percival and Rebecca Percival, as citizens by blood of the Choctaw Nation, together with the decision of the same date, rejecting all of the applicants in said case.

On the same date the Commission to the Five Civilized Tribes transmitted to the Department the record in the matter of the application of Nannie Vaughan for the enrollment of herself and her minor children, Hattie, Callie, Stella and Roy Vaughan as citizens by blood of the Choctaw Nation, together with the decision of the Commission of the same date denying said application.

On September 26, 1905, there was filed with the Department a petition of Martha Harten, relative to the right to enrollment of herself, her husband, Frances M. Harten, and her children, John F. Harten, James W.Harten, Rachel S. Harten, Mary M.Harten, and Nancy E. Harten, as citizens of the Choctaw Nation.

It will be noticed that in the original application for the enrollment of this family, the name was spelled Horton, while

in the above petition said name is spelled Harten. Subsequent proceedings have established that said name is correctly spelled Marton, and said name will hereafter in this decision be spelled accordingly.

On September 26, 1906, there was filed with the Department a petition of Nannie Foster (formerly Vaughan) relative to the right to enrollment of herself and her children, Mattie Vaughan, Callie Vaughan, Nannie Vaughan, Roy Vaughan and Thomas Clide Foster, as citizens of the Choctaw Nation.

On the same date there was filed with the Department a petition of William E. Percival, relative to the right to enrollment of himself as an intermarried citizen of the Choctaw Nation, and his wife, Narcissie Ella Percival, and their children, Jessie Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival and Narcissie Sadie Percival, as citizens of the Choctaw Nation.

On the same date there was filed with the Department a petition of Sarah Jane Darken, relative to the right to enrollment of herself and her children, Benjamin Oliver Welch, Maultsia J. Welch, Walter F. Welch, John Henry Darken, Charles Bradley Darken, Myrtle Elvy Darken, and Gertrude M. Darken, as citizens of the Choctaw Nation, and for the enrollment of her husband, Charles B. Darken, as a citizen by intermarriage of the Choctaw Nation.

On the same date there was filed with the Department a petition of John D. Thompson relative to the right to enrollment of himself as a citizen of the Choctaw Nation, in which he states:

> "I was married March 8, 1897, to Emma G. Weir, and as an issue of said marriage the following named children were born, John William Thompson, born July 9, 1899, and Hazen Maud Thompson was born June 19, 1903."

While none of said petitions conclude with a prayer, they will be considered for the purpose of this decision as petitions for the enrollment of the persons mentioned therein as citizens by blood or intermarriage of the Choctaw Nation.

The Department in its letter of April 4, 1906 (I. T. D. 13766-1906), directed the Commissioner to the Five Civilized Tribes to adjudicate the rights of John T. Thompson, et al., to enrollment as citizens by blood of the Choctaw Nation, and instructed said Commissioner to take further testimony in the case if necessary.

The Department in its letter of April 5, 1906 (I. T. D. 1313-1906), set aside the decision of the Commissioner to the Five Civilized Tribes of January 21, 1905, in the case of William E. Percival, et al., and instructed the Commissioner to make further investigation of the right of the applicants in said case to enrollment.

The Department in its letter of the same date (I. T. D. 1272-1906), set aside the decision of the Commissioner to the Five Civilized Tribes on January 21, 1905, in the case of Nannie Vaughan, et al., and instructed the Commissioner to take further testimony in said case and to readjudicate the same.

The Department in its letter of April 17, 1906 (I. T. D. 1748-1906), transmitted a letter from John T. O'Quinn of Marlow,

Indian Territory, dated April 5, 1906, relative to his application for enrollment as a citizen of the Choctaw Nation, claiming his name was included as one of the applicants in the case of William C. Thompson, et al., and stated that no reason was seen why the rights of John T. O'Quinn should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the Choctaw Nation.

On May 4, 1906, John T. O'Quinn and Mansfield McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, were notified that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at nine o'clock A. M., hear the testimony of such witnesses as he might desire to present tending to establish his right to enrollment as a citizen by blood of the Choctaw Nation.

On May 16, 1906, John T. Thompson, Marlow, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at ten o'clock A.M., hear the testimony of such witnesses as he might desire to present in the matter of his application for enrollment as a citizen of the Choctaw Nation.

On the same date Sarah Jane Darken and Martha Harton were also notified to appear at the office of the Commissioner at ten o'clock A. M., on Monday, May 28, 1906, for the purpose of introducing testimony in support of the application for the enrollment of said Sarah Jane Darken and Martha Harton and families as citizens of the Choctaw Nation, it appearing that said Sarah Jane Darken and Martha Harton were sisters of said John T. Thompson and that application for the enrollment of said parties and their families as citizens of the Choctaw Nation had been made prior to December 28, 1902. Notice of said hearing was also forwarded the attorneys for the Choctaw and Chickasaw Nations.

On the same date William H. McCoy and Mansfield, McMurray & Cornish were notified that the Commissioner would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at ten o'clock A. M., hear the testimony of witnesses in support of the application for the enrollment of said William H. McCoy and his family as citizens of the Choctaw Nation.

On the same date Nannie Vaughan (now Nannie Foster), Talihina, Indian Territory, and Mansfield, McMurray & Cornish, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at eleven o'clock A. M., on Monday, May 28, 1906, hear the testimony of witnesses in support of the application for the enrollment of said Nannie Vaughan (now Foster) and children as citizens of the Choctaw Nation.

On the same date William E. Percival, Marlow, Indian Territory, and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at one o'clock P. M., Monday, May 28, 1906, hear the testimony of witnesses in support of the application of said William E. Percival and family as citizens of the Choctaw Nation.

On May 23, 1906, there was filed with the Commissioner to the Five Civilized Tribes a petition signed by Mary E. O'Quinn, relative to the right to enrollment of John T. O'Quinn and his children, Oll ie, Odolphus O'Quinn, Ruby O'Quinn, Agnes O'Quinn, Mark O'Quinn, and Alpha S. O'Quinn as citizens by blood of the Choctaw Nation, and Fannie May O'Quinn as a citizen by intermarriage of said nation.

In conformity with the above notices a hearing was had at the office of the Commissioner May 28, 1906, at which time testimony was taken relative to the rights of Minnie Lee Leddy, John D. Thompson and his two minor children, John WILLiam Thompson and Hazel Maud Thompson, as citizens by blood of the Choctaw Nation. At said hearing Wirt Franklin of the firm of Apple & Franklin, Muskogee, Indian Territory, represented the petitioners. No appearance was entered by or on behalf of the Choctaw and Chickasaw Nations.

Applications were received by the Commissioner to the Five Civilized Tribes for the enrollment of the following persons as citizens of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137): May 8, 1906, Agnes O'Quinn, born March 25, 1900; Altha S. O'Quinn, born July 8, 1905; Ollie Odelphus O'Quinn, born August 23, 1896; Mark O'Quinn, born December 9, 1902; May 14, 1906, Ruby O'Quinn, born September 12, 1898, children of John T. O'Quinn, and his wife, Fannie May O'Quinn. The application for the enrollment of Ruby O'Quinn shows that said applicant diedMarch 15, 1899. May 28, 1906, George Pope Harton, born March 2, 1906 minor child of Franklin M. Harton and Martha Ann Harton; Viola Maude Hunt, born August 17, 1905, daughter of John Hunt and his wife, Rachel Susan Hunt (nee Harton); Bertha May Harton, born February 10, 1906, minor daughter of John F. Harton andhis wife, Susie Harton; Narcissa Sadie Percival, born October 2, 1899, minor daughter of William E. Percival and Narcissa Ella Percival; June 13, 1906, Thomas Foster born June 6, 1905, minor child of the applicant, Nannie Foster, formerly Vaughan, and her husband, Louis Foster, June 18, 1906, Thomas Pembroch Reville, born August 17, 1904; Clara May Reville, born March 25, 1900, minor children of J. N. Reville and Maud Reville (nee McCoy); Amina McCoy, born July 22, 1902, and Fay McCoy, born June 12, 1905, children of Buford T. McCoy and his wife, Geneva McCoy; John D. Wooley, born February 4, 1902, and James B. Wooley, born April 30, 1904, children of Robert L. Wooley and his wife, Cordie Wooley (nee McCoy).

It appears from the records in the possession of the Commissioner to the Five Civilized Tribes that original application was filed with the Commission to the Five Civilized Tribes on September 9, 1896, for the admission of the following persons to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321):

Sarah Jane Thompson, now Darken,
Benjamin Welch,
Maultsie Welch,
Walter Welch,
Johny Darken,
Martha Ann Thompson, now Harton,

James William Harton,
John F. Harton,
Susie Harton,
Narcissa Ella Thompson, now Percival,
Jessee Percival,
Taylor Percival,
Forrest Percival,
Rebecca Percival,
Katie Percival,
Nancy S. Thompson, now Vaughan,
Hattie Vaughn,
Callie Vaughn, and
Nannie Vaughn.

The records in the possession of the Commissioner further show that on December 8, 1896, said application was denied (1896 Choctaw Citizenship Case No. 1394, entitled Sarah Jane Thompson and Martha Ann Thompson vs. Choctaw Nation). From this decision no appeal was taken.

The record herein shows that the applicant, Charles B. Darken, was married in the year 1887 to Sarah Jane Darken, in accordance with the laws of the United States, and that on October 16, 1896, said applicants were remarriedin accordance with the laws of the Choctaw Nation; that prior to her marriage to Charles B. Darken, said Sarah Jane Darken was married to Frank Welch, from whom she was lawfully divorced on November 6, 1886. The applicant, John T. O'quinn, was lawfully married on August 27, 1895, to Fannie May Calhoun; that the applicant, John T. Thompson, was lawfully married on February 17, 1887, to Katie Calhoun; that the applicant, Franklin M. Harton, was married in the year 1880, to the applicant, Mattie Harton, but said marriage was not performed in accordance with the laws of the Choctaw Nation; that the applicant, John Harton, since his application for enrollment in 1899, was married to one Susie Girty, who is enrolled as a citizen by blood of the Cherokee Nation, opposite No., 17600; that the applicant, Bertha May Harton, is the issue of said marriage, and that election was made by said John Harton for the enrollment of said Bertha May Harton as a citizen of the Choctaw Nation; that the applicant, William E. Percival, was marriedin the year 1884 to Narcissa Ella Percival; that said marriage was not performed in accordance with the laws of the Choctaw Nation; said Narcissa Ella Percival died September 5, 1902. The applicant, John D. Thompson, was married in the year of 1898, to Emma Geneva Weir. The applicant, Mary C. McLaurine, was married February 2, 1876, to William H. McCoy.

The principal applicants with their families have resided continuously in the ChoctawsChickasaw country since several years prior to 1896.

The names of the applicantsdo not appear on any of the tribal rolls of the Choctaw Nation in the possession of the Commissioner to the Five Civilized Tribes exceptthe 1896 Choctaw Census Roll, upon which appears the names of certain of the applicants, as follows:

John T. O'quinn (as T. E. O'Quinn)	Opposite No.,-10029
Minnie L. Leddy (as Winnie Liddy)	8416
John T. Thompson (as Jno. T. Thompson)	12530
Mary F. Thompson	12540
William B. Thompson (as Wm. Thompson)	12531.

Charles S. Thompson (as Charles Thompson)	Opposite No.,	12532
John M. Thompson (as Jno.M.Thompson)		12533
John Henry Darken (as Jno. Henry Darken)		3626
Charles B. Darken, Jr. (as Charles B. Darken)		3627
Benjamin Oliver Welch (as Benjamin Welch)		14020
Walter Welch		14021
Maultsy Loley (as Maulsey Lawley)		8348
Mattie Horton		8993
Rachel Hunt (as Rachel S. Horton)		8994
John Horton (as Johnie Horton)		8995
James Horton (as Jimmie Horton)		8996
Mary M. Horton		8997
Narcissa Ella Percival (as Narcissus Percivill)		10554
Jesse Percival (as Jesse Percivill)		10555
Taylor Percival (as Tayler Percivill)		10556
Forrest Percival (as Forrest Percivill)		10557
Katie Percival (as Kate Percivill)		10558
Rebecca Percival (as Rebecca Percivill)		10559
Nannie Vaughan (as Nannie Vaughn)		12631
Hattie Vaughan (as Hattie Vaughn)		12632
Callie Vaughan (as Callie Vaughn)		12633
Stella Vaughan (as Stella Vaughn)		12634
William H. McCoy		9507
Buford T. McCoy		9508
Maudie McCoy		9509
Cordie McCoy		9510
William McCoy		9511

The name of Katie Thompson appears upon said roll as Kate Thompson, opposite No. 15126, as a citizen by intermarriage of the Choctaw Nation. The name of Mary G. McCoy also appears on said roll opposite No. 14892, as a citizen by intermarriage of the Choctaw Nation. The name of C. B. Darken also appears on said roll opposite No. 14485, as a citizen by intermarriage of the Choctaw Nation.

The name of the applicant, Sarah Jane Darken, does not appear upon the 1896 Choctaw [redacted] Roll in the possession of the Commissioner to the Five Civilized Tribes. On September 21, 1906, there was filed with the Commissioner the affidavits of Wirt Franklin, executed September 20, 1906, in which he states that the Acting Commissioner who conducted the hearing in this case failed to identify upon the 1896 Choctaw Census Roll the name of Sarah Jane Darken, but that he identify upon the saidroll the names of her children who were then living; that as attorney for the applicants, he asked for the "roll of citizens by blood, of Atoka County, Indian Territory, of September 26, 1896", prepared by three Commissioners for that county, who were appointed under an act of the Choctaw Council approved September 18, 1896; that said roll was brought forth; that he examined the same and found on page 80 thereof the names of Sarah J. Darken, age 34, Benjamin Welch, age 17, and Walter Welch, age 14, John Henry Darken, age 8 and Charles B. Darken, age 5, that opposite the name of Sarah J. Darken is written in a different hand than thenames and with lead pencil the word "doubtful"; that opposite the names of the others there appears the letters "O.K."; also written with lead pencil, while the names themselves were written with pen and ink; that he asked the Acting Commissioner at the time these names were found on the said county

roll to make a statement in the record which was then being made in this citizenship case, setting forth what this roll showed in regard to these applicants, but he not only refused to make the statement in the record himself, but denied the affiant the right to do so as attorney for the applicants. The roll referred to in said affidavit is a book designated as "Choctaw Census Roll, No. O", and endorsed on the outside cover thereof "Choctaws residing in Chickasaw Nation; Memorandum Roll; Roll O". Said book has never been considered by the Commission to the Five Civilized Tribes, or its successor, as an authentic roll of the citizens of the Choctaw Nation.

In the case of Nancy J. Murphy, et al, decidedadverse to the applicants by the Commission to the Five Civilized Tribes on January 26, 1903, it was stated as follows:

"It further appears that the name of the applicant (written Nancy Murphy) is found on page 244 on the original memorandum record kept by the Enumerator for Atoka County, Choctaw Nation, in making the 1896 Choctaw Census Roll under the heading "Doubtful, claims citizenship, but her name does not appear upon any of the recognized Choctaw tribal rolls in the possession of the Commission as a citizen of said Nation".

The Department in its letter of May 18, 1903 (I. T. D. 4342-1903) approved the decision of the Commission of January 26, 1903. The memorandum referred to in said case is the book mentioned in the affidavit of Mr. Franklin. Said book, together with a report concerning same, was forwarded to the Department with a letter of the Acting Commissioner to the Five Civilized Tribes dated September 1, 1906, returning certain petitions forwarded by the Department in its letter of May 7, 1906 (I. T. D. 5244-1906) relative to the application for the enrollment of Nancy J. Murphy, et al, as citizens of the Choctaw Nation.

The name of John D. Thompson does not appear upon the 1896 Choctaw Census Roll in the possession of the Commissioner to the Five Civilized Tribes. Besides the names of John M. Thompson and John T. Thompson mentioned above, the name of John Thompson appears upon the 1896 Choctaw Census Roll opposite No. 12504, Jacksfork County age 11 years. The age of the applicant John D. Thompson is given as 36 years. It is, therefore, clear that the applicant is not identical with the John Thompson whose name appears on the Choctaw Census Roll opposite No., 12504, Jacksfork County,

The name of John Thompson, age 27 years, Atoka County, also appears upon the 1896 Choctaw Census roll. It appears that in the preparation of said roll the names of the numbers of each family were grouped together.

Attached to the record herein is a copy of pages 324 and 325 of said roll upon which appears the name of John Thompson opposite No. 12455.

It will be noticed that the age of the applicant, John D. Thompson corresponds with the age of John Thompson, whose name appears on said roll opposite No. 12455. It will also be noticed that immediately following the name of John Thompson on the 1896 Choctaw Census Roll and opposite No. 12456 appears the name of Gertrude Thompson.

On February 15, 1906, this office addressed a letter to Gertrude Thompson at Hewitt, Indian Territory, requesting to be advised of the whereabouts of said John Thompson. On February 17 1906, said Gertrude Thompson addressed a letter to the Commissioner in which she stated that she knew nothing of such a person, unless it was John Henry Thompson, her husband, with whom she does not now reside; that said John Henry Thompson is a Chickasaw by blood instead of a Choctaw, and that she does not think that her name and said John Thompson's name have been placed together on any of the rolls since 1896.

On June 2, 1906, there was filed with the Commissioner by Apple & Franklin, the affidavit of Henry Thompson, in which he states that he is 31 years of age; and was the husband of Gertrude Thompson, a Choctaw citizen by blood. That he is a citizen by blood of the Chickasaw Nation; that his full name is John Henry Thompson, and that he has generally been known as Henry Thompson; that he never made an attempt to get on the 1896 Choctaw Census Roll because he is a Chickasaw by blood and was enrolled on the 1896 Chickasaw Census Roll, but he does not think his name appears on the 1896 Choctaw Census Roll for Atoka County; that it the name, John Thompson, appears on the Choctaw Census Roll, number 12455, he does not think it was meant for him, because he made no attempt to have his name placed on said roll, and does not know of any one else giving his name to the enumerators.

The name of Henry Thompson appears upon the 1896 Chickasaw Census Roll, and upon the final roll of citizens by blood of the Chickasaw Nation approved by the Secretary of the Interior opposite No. 3594.

Granting the truth of the statement contained in the affidavit of Henry Thompson that his name was placed on the 1896 Chickasaw Census Roll and that he made no effort to have his name placed on the 1896 Choctaw Roll, it is not probable that this fact would have prevented the Census committee from placing his name upon said 1896 Choctaw Census Roll. It is evident from the letter of Gertrude Thompson, above referred to, that it was her understanding that the names of herself and her husband were placed upon the 1896 Choctaw Census Roll together, and the fact that the name of John Thompson was placed on said roll, together with said Gertrude Thompson, seems to clearly indicate that John Thompson is identical with John Henry Thompson, and therefore, not identical with John D. Thompson. It also appears from the testimony of John Thompson on May 28, 1906, that he was not living in the Choctaw Nation in the year 1896 but was living in the Comanche country. It will be observed that the age of John Thompson appears on the 1896 Choctaw Census Roll as 27 years, while the age of Henry Thompson is given inhis evidenceof May 30 1906, as 31 years. This discrepancy, however, is easily accounted for by the fact that said Henry Thompson states that he made no effort to have his name placed on said roll. The information concerning his age was, therefore, evidently obtained by the Census Committee from some third

person, and it is probably that his age might have been incorrectly given to said Committee.

It appears from the record herein that the applicant, Narcissa S. Thompson, died in August, 1901.

Following the ruling of the Department of April 4, 1906, (I. T. D. 4222-1906), in the case of Mary E. O'Quinn, et al., I am of the opinion that the applicants herein, who are of Choctaw blood, who were residents in good faith of the Indian Territory on June 28, 1898, and whose names appear upon the 1896 Choctaw Census Roll, and their descendants born since said roll was made, and those persons who were married to any of said applicants in accordance with the laws of the Choctaw Nation, should be enrolled as citizens of the Choctaw Nation.

I am further of the opinion that the applications for the enrollment of the applicants herein, whose names do not appear upon the 1896 Choctaw Census Roll, and who are not descendants of persons whose names do appear upon said roll, born since the date thereof, and those intermarried applicants who were not married to their Indian spouses in accordance with the laws of the Choctaw Nation, should be denied.

I am, therefore, of the opinion that the applicants, John T. O'Quinn, Ollie Odolphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles B. Darken, Jr., Benjamin Oliver Welch, Walter Welch, Maultsy J. Lawley, Willie May Lawley, Mattie Harton, John Harton, Rachel Harton, James Harton, Mary M. Harton, Nancy Ella Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Nannie Vaughan, Hattie Vaughan, Cellie Vaughan, Stella Vaughan, Roy Vaughan, William H. McCoy, Buford T. McCoy, Maud Reville, CordieWoolleyand William McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicants, Fannie May O'Quinn, Katie Thompson and Mary G. McCoy, should be enrolled as citizens by intermarriage of the Choctaw Nation under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicant, Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembrook Reville, John D. Woolley, James B. Woolley, Amina McCoy and Fay McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that the record herein establishes that application was made for the enrollment of John D. Thompson as a citizen by blood of the Choctaw Nation, and for the enrollment of Emma Geneva Thompson as a citizen by intermarriage of said nation, within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and that the same should now be determined upon its merits, and it is so ordered.

I am further of the opinion that the applications for the enrollment of John D. Thompson, Sarah Jane Darken, Myrtle E.

Darken and Gertrude M. Darken as citizens by blood of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applications for the enrollment of Franklin M. Hartem, Charles B. Darken, Emma Geneva Thompson and William M. Percival as citizens by intermarriage of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition filed by John D. Thompson, September 26, 1905, in so far as it applies to John William Thompson and Hazel Maude Thompson should be considered as an application for the enrollment of said persons as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), that said application should be denied, and it is so ordered.

I am further of the opinion that the application for the enrollment of Ruby O'Quinn, who the record shows died March 15, 1899, and for the enrollment of Narcissa S. Thompson and Narcissa Ella Percival, who the record shows died prior to September 25, 1902, should be dismissed, and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

R.O.S.

CAF

J.W.M.
J.W.M.
W.C.P.
F.W.L.

DEPARTMENT OF THE INTERIOR,
WASHINGTON,

March 1, 1909.

File S-51.

The Commissioner
to the Five Civilized Tribes.

Sir:

January 23, 1909, you were advised that the names of certain persons were inadvertently included in Departmental letter of January 19, 1909 (File S-51); that such mistake was due to the fact that it was supposed they were enrolled upon schedules approved by the Department, when in fact, the only schedules upon which their names appear were disapproved, and that no action should be taken under the circumstances looking to the erasure of interlineations or notations, if any, from the disapproved schedules, in connection with their names.

The names of the persons referred to in said letter of January 23, 1909, are as follows:

Cho-fars by Blood.

	Roll No.	
16103	16103	Elizabeth Allen,
	16113	George A. Bumgarner,
	16110	Lentitia Crutchfield,
	16106	Everett Crutchfield

16111	George W. Crutchfield.
16105	Ida Crutchfield.
16107	Ina Crutchfield.
16108	Louvinia Crutchfield.
16109	William Crutchfield.
921	Josephine Lafiere Long.
922	Jake Lafiere Long.
16104	David Ritter.

It now appears from the records of the Secretary's Office that there was a schedule approved approved May 21, 1904, by the Secretary of the Interior, and that the approval then given was cancelled by said Secretary at a later date, to-wit, June 28, 1904.

The name of Elizabeth Allen appears upon the schedule which was approved May 21, 1904, opposite the number 16551. IdaCrutchfield's name appears opposite No. 16553, while the other members of the Crutchfield family were given the numbers immediately following that assigned to her.

You are requested to cause a report to be prepared showing whether the records of your office also show that an earlier schedule containing the names of said persons was approved May 21, 1904; & so whether such approval was cancelled June 28, 1904. Please report also the reason for the attempted cancellation, and whetheryrior notice was given thereof.

It appears further that, in connection with the names of Elizabeth Allen and the Crutchfield family on the roll approved May 21, 1904, the names of Ardella Hickman, Ida M. Southard and Grover Randall are also to be found.

In connection with said names, it is desired that you will report what action, in your opinion, should be taken concerning the first of said persons; also whether the said Ida M. Southard and Grover Randall, respectively, are identical with the Ida M. Southard whose name appears opposite No. 15880 in the printed rolls of citizens by blood of the Choctaw Nation, and the Grover Randall whose name appears on page 8 of Departmental letter of January 19, 1909 (File 5-51), opposite No. 15928.

As appears from the above list, there were other persons besides the said Allen and Crutchfields whose names were enrolled on schedules which were finally disapproved by the Department: for example, George A. Baumgammer, Josephine Laflore Long and Jake Laflore Long.

Please report whether the names of these persons appear upon any prior approved schedule; also why it was that the Commissioner to the Five Civilized Tribes enrolled them upon the schedule which was disapproved by the Department, showing whether the Commissioner enrolled them thereon, of his own motion, or under decision or instructions from the Department.

By comparison of the roll approved May 21, 1904, with the printed rolls of Choctaws by blood, the Department

finds that the numbers appearing thereon opposite the names of said persons were subsequently assigned to other citizens of the Choctaw Nation; thereby the series of roll numbers was kept perfect, but a material portion of the rolls was evidently sacrificed upon the supposition that it had become worthless. Inquiry arises in this connection as to whether there were other approved schedules which were subsequently disapproved and thrown aside. Accordingly, it is desired that you also cause a r port to be prepared covering this feature of the matter, showing all persons embraced in similar cases, with recommendation as to what action should be taken as to them. This will necessitate a statement as to why their names were stricken or cancelled from the rolls, and whether such action was taken without prior notice.

There is still another matter concerning which the Department desires report to be made. It is observed that the words "No person enrolled at this number" are to be found not infrequently opposite consecutive numbers on the pages of the printed rolls; and you are requested to advise the Department whether such words were substituted for the names of individuals appearing on disapproved schedules, and if such is the case, whether such disapproved schedules were approved at any time by the Department; also whether favorable decisions were ever rendered by the Department as to such persons prior to their enrollment upon such disapproved schedules.

For the sake of expedition, a partial report should be rendered at once concerning the said Elizabeth Allen and the various members of the Crutchfield family named above. The other matters referred to herein can be disposed of by subsequent reports.

Very respectfully,

James E. Kilbee
Assistant Secretary.

Through the
Indian Office.

294-1909.

Muskogee, Oklahoma, April 22, 1909.

Subject:

Reporting on Departmental letter of March 1, 1909, relative to Franklin M. Harton et al. whose names were on schedules which were disapproved by the Department.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental letter of March 1, 1909 (File 5-51) in which reports were requested as to certain persons whose enrollment was disapproved by the Secretary of the Interior, and at whose numbers in the printed rolls appears the notation "No person enrolled at this number."

Reports have heretofore been made as to certain of the matters referred to in Departmental letter above named and I have the honor to state that the case of Franklin M. Harton, et al. comes within the class described, and to report therein as follows:

It appears from the records in the possession of this office that original application was filed with the Commission to the Five Civilized Tribes on September 9, 1896, under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321) in a case entitled Sarah Jane Thompson and Martha

Secretary 2,

Ann Thompson versus the Choctaw Nation, 1896 Choctaw Citizenship Case Number 1394, for the admission of Sarah Jane Thompson, now Darken, Benjamin Welch, Maultsie Welch, Walter Welch, Johny Darken, Martha Ann Thompson, now Morton, James William Morton, John F. Morton, Susie Morton, Narcissa Kila Thompson, now Percival, Jessee Percival, Taylor Percival, Forrest Percival, Rebecca Percival, Katie Percival, Nancy E. Thompson, now Vaughn, Mattie Vaughn, Callie Vaughn and Nannie Vaughn as citizens of the Choctaw Nation.

December 8, 1896, the Commissioner denied this application, from which decision no appeal was taken to the United States Court in Indian Territory as provided by the Act of Congress approved June 10, 1896.

Subsequent to this action of the Commission to the Five Civilized Tribes and prior to the time fixed for the closing of the rolls applications were made to the Commission on behalf of the following persons for enrollment as citizens by blood and intermarriage of the Choctaw Nation:

Franklin M. Morton for enrollment as a citizen by intermarriage and for the enrollment of his wife, Mattie Morton, and his children, John Morton, James Morton, Rachel Morton, Mary M. Morton and Nancy Kila Morton, as citizens by blood, and for the enrollment of his step-mother, Narcissa E. Thompson, as a citizen by intermarriage of the Choctaw Nation.

William M. McCoy for the enrollment of himself and his children, Buford T. McCoy, Maud McCoy, Cordie McCoy and William

Secretary S.
McCoy as citizens by blood and for the enrollment of his wife, Mary G. McCoy, as a citizen by intermarriage of said nation.

William E. Percival for enrollment as a citizen by intermarriage, and for the enrollment of his wife, Narcissa Ella Percival, and his children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival and Sadie (Narcissa Sadie) Percival, as citizens by blood of the Choctaw Nation.

Charles B. Darken for enrollment as a citizen by intermarriage and for the enrollment of his wife, Sarah Jane Darken, and his minor children, John Henry Darken, Charles B. Darken, Myrtle E. Darken and Gertrude Darken, and his step-children, Benjamin Oliver Welch, Maultsy Loley and Walter Welch, and Willie Loley, daughter of Maultsy Loley, as citizens by blood of the Choctaw Nation.

John T. Thompson for the enrollment of himself and his children, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, and John Woody Thompson, as citizens by blood and for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of the Choctaw Nation.

Mannie Vaughan for the enrollment of herself and her children, Mattie Vaughan, Callie Vaughan, Stella Vaughan and Roy Vaughan, as citizens by blood of the Choctaw Nation.

John T. O'Quinn and his minor daughter, Delphy (Ollie

Secretary d.

Odolphus)O'Quinn and Minnie L. Leddy as citizens by blood and for the enrollment of May O'Quinn, wife of John T. O'Quinn, as a citizen by intermarriage of said nation.

John D. Thompson for enrollment as a citizen by blood of the Choctaw Nation.

January 21, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of William E. Percival, his wife, Narcissa Nila Percival, and his children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival and Rebecca Percival as citizens of the Choctaw Nation, together with the decision of that date, refusing all the applicants in the case, to the Department.

On the same date the record in the matter of the application of Nannie Vaughan for the enrollment of herself and her minor children, Nattie Vaughan, Callie Vaughan, Stella Vaughan and Roy Vaughan as citizens by blood of the Choctaw Nation, together with decision of that date, was transmitted to the Department.

September 26, 1905, there was filed with the Department a petition of Martha Harten relative to the right to enrollment of herself, her husband, Frances M. Harten, and her children, John F. Harten, James W. Harten, Rachel E. Harten, Mary M. Harten and Nancy E. Harten, as citizens of the Choctaw Nation.

In the original application for the enrollment of this

family the name was spelled Horton while in the above petition the name is spelled Harton. The subsequent proceedings established that the name is correctly spelled Harton and it is so spelled hereafter.

September 26, 1905, there were also filed with the Department petitions on behalf of Mamie Foster, (formerly Vaughan) and her children, Sarah Jane Darken and her children, and John D. Thompson and his children, William M. Percival, et al.

The Department on April 4, 1906 (I T D 13766-1906) directed the Commissioner to the Five Civilized Tribes to adjudicate the rights of John T. Thompson, et al. to enrollment as citizens by blood of the Choctaw Nation and to take further testimony in the case, if necessary.

April 5, 1906 (I T D 1313-1906) the Department set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1906, in the case of William M. Percival, et al. and instructed the Commissioner to make further investigation of the rights of the applicants to enrollment.

In its letter of the same date (I T D 1278-1905) the Department set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1906, in the case of Mamie Vaughan, et al. and directed the Commissioner to take further testimony in said case and readjudicate the same.

The Department, in its letter of April 17, 1906 (I T D 1745-1906) transmitted a letter from John T. O'Quinn, of Marlow,

Secretary G.

Indian Territory, of April 8, 1906, relative to his application for enrollment as a citizen of the Choctaw Nation, and stated that no reason was seen why his rights should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the Choctaw Nation.

In accordance with the above Departmental instructions, the principal applicants in these cases, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations were notified that a hearing would be had in these cases at the office of the Commissioner to the Five Civilized Tribes, Muskogee, Indian Territory, on Monday, May 28, 1906, and in conformity with these notices proceedings were had at that time and place.

Applications were received by the Commissioner to the Five Civilized Tribes, under the Act of Congress approved April 26, 1906 (34 Stat., 137) for the enrollment of Agnes O'Quinn, Altha E. O'Quinn, Ollie Adolphus O'Quinn, Mark O'Quinn and Ruby O'Quinn, children of John T. O'Quinn and his wife, Fannie May O'Quinn; George Pope Harton, child of Franklin N. Harton and Martha Ann Harton; Viola Maude Hunt, daughter of John Hunt and his wife, Rachel Susan Hunt, nee Harton; Bertha May Harton, daughter of John F. Harton and his wife, Susie Harton; Narcissa Sadie Percival, daughter of William K. Percival and Narcissa Rila Percival; Thomas Foster, child of Nannie Foster, formerly Vaughan, and her husband, Louis Foster;

Secretary T.

Thomas Pembrook Reville, and Clara May Reville, children of J. H. Reville and Maud Reville, nee McCoy; Amina McCoy and Fay McCoy, children of Buford T. McCoy and his wife, Geneva McCoy; John D. Wooley and James B. Wooley, children of Robert L. Wooley and his wife, Cordie Wooley, nee McCoy.

It appears from the Choctaw tribal rolls in the possession of this office that the following applicants in this case are identified upon the 1896 Census Roll of the Choctaw Nation:

John T. O'Quinn (as T. K. O'Quinn), Minnie L. Leddy (as Minnie Liddy), John T. Thompson (as Jno. T. Thompson), Mary F. Thompson, William B. Thompson (as Wm. Thompson), Charles S. Thompson (as Charles Thompson), John W. Thompson (as Jno. W. Thompson), John Henry Darken (as Jno. Henry Darken), Charles B. Darken, Jr. (as Charles B. Darken), Benjamin Oliver Welch (as Benjamin Welch), Walter Welch, Maultsy Lolsy (as Maulsey Lawley), Mattie Morton, Rachel Hunt (as Rachel S. Morton), John Morton (as Johnie Morton), James Morton (as Jimmie Morton) Mary M. Morton, Narcissa Ella Perceival (as Narcissus Perceivill) Jesse Perceival (as Jesse Perceivill), Taylor Perceival (as Taylor Perceivill), Forrest Perceival (as Forrest Perceivill), Katie Perceival (as Kate Perceivill), Rebecca Perceival (as Rebecca Perceivill), Nannie Vaughan (as Nannie Vaughn), Mattie Vaughan (as Mattie Vaughn), Callie Vaughan (as Callie Vaughn), Stella Vaughan (as Stella Vaughn), William H. McCoy, Buford T. McCoy,

Secretary S.

Mandie McCoy, Cordie McCoy and William McCoy, Katie Thompson (as Kate Thompson), Mary S. McCoy and C. B. Durham.

November 17, 1906 (I T D 13807-1906) the Department requested an immediate report as to the status of the Choctaw enrollment cases of John T. Thompson, et al., William M. McCoy, et al., Charles B. Durkin, et al., Franklin M. Harton, et al., William E. Percival, et al., Mannie Foster (formerly Vaughan) et al. and John T. O'Quinn, et al.

December 11, 1906, this office reported that the case of William M. McCoy, et al. had been consolidated with the case of John T. Thompson, et al. and these cases were then receiving consideration and would be forwarded for Departmental action at an early date.

January 24, 1907, the Indian Office transmitted this report to the Department and advised that the record had not, up to that time, been received. January 31, 1907 (I T D 1662-1907) the Department requested to be advised at once the status of this case. February 18, 1907, this office advised that the application of John T. Thompson et al. for enrollment as citizens of the Choctaw Nation was consolidated with the case of Franklin M. Harton, et al. and the record in the case, together with the decision of January 10, 1907, and schedules comprising the names of persons whose applications for enrollment were granted therein were forwarded to the Department through the

Secretary 9.

Indian Office January 19, 1907.

January 10, 1907, following the ruling of the Department of April 4, 1906 (I T D 4222-1906) in the case of Mary E. O'Quinn, et al., the Commissioner rendered a decision holding that the applicants herein who were of Choctaw blood, who were residents in good faith of the Indian Territory, June 28, 1898, and whose names appeared upon the 1896 Choctaw Census Roll, and their descendants born since said roll was made and those persons who were married to any of these applicants in accordance with the laws of the Choctaw Nation should be enrolled as citizens of the Choctaw Nation, and those persons whose names did not appear on the 1896 Choctaw Census Roll, and who were not descendants of persons whose names appeared upon said roll, born since the date thereof, and those intermarried applicants who were not married to their Indian spouses in accordance with the laws of the Choctaw Nation, should be denied.

The decision therefore granted the applications for the enrollment of John T. O'Quinn, Ollie Odelphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Woody Thompson, John Henry Darken, Charles B. Darken Jr., Benjamin Oliver Welch, Walter Welch, Manlitz J. Lackey, Willie May Lackey, Mattie Harton, John Harton, Rachel Harton, James Harton, Mary M. Harton, Nancy Ella Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Mareissa Sadie Percival, Nannie Vaughan, Mattie Vaughan, Callie Vaughan, Stella Vaughan, Ray Vaughan

Secretary 10.

William W. McCoy, Buford T. McCoy, Maud Reville, Cordie Woolley and William McCoy as citizens by blood and Fannie May O'Quinn, Katie Thompson and Mary S. McCoy as citizens by intermarriage of the Choctaw Nation, under the provisions of the Act of Congress approved July 1, 1902.

The applications for the enrollment of Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Barton, George Pope Barton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembroke Reville, John D. Woolley, James B. Woolley, Anina McCoy and Fay McCoy as minor citizens by blood of the Choctaw Nation were also granted under the provisions of the Act of Congress approved April 26, 1906.

The applications for the enrollment of John D. Thompson, Sarah Jane Barton, Myrtle E. Barker and Gertrude M. Barker as citizens by blood and Franklin W. Barton, Charles E. Barker, Emma Geneva Thompson and William E. Percival as citizens by intermarriage of the Choctaw Nation were denied under the provisions of the Act of Congress approved July 1, 1902.

The applications for the enrollment of John William Thompson and Hazel Maude Thompson under the provisions of the Act of Congress approved April 26, 1906, were denied and the applications for the enrollment of Ruby O'Quinn and Narcissa S. Thompson and Narcissa Lila Percival, who died prior to September 25, 1902, were dismissed.

January 19, 1907, the record in this case, together with the decision of the Commissioner of January 10, 1907, was transmitted to the Department.

Secretary 11.

There also accompanied this letter three letters to the Department under date of January 17, 1907, as follows:

Letter transmitting schedule of citizens by blood of the Choctaw Nation, Numbers 16066 to 16101, inclusive.

Letter transmitting schedule of citizens by marriage of the Choctaw Nation, Number 1623 to 1625, inclusive.

Letter transmitting schedule of minor citizens by blood of the Choctaw Nation, under Act of April 26, 1906, Numbers 844 to 856, inclusive.

The Commissioner advised that since the preparation of these schedules the office was in receipt of Departmental letter of January 15, 1907, directing suspension of action relative to enrollment and allotment of lands to any of the applicants in the Mississippi Choctaw case of William C. Thompson, et al. and reported that the persons included in the decision in the Choctaw enrollment case of Franklin E. Marten, et al. occupied an analogous status to the persons embraced in the Mississippi Choctaw case of William C. Thompson, et al.

This office requested, if the decision of January 10, 1907, were affirmed by the Department, that the schedules transmitted by approved and the office notified as early as practicable of Departmental action thereon.

February 6, 1907, this office transmitted appeal and brief filed by E. A. Apple, attorney at law, Ardmore, Indian Territory, for consideration in connection with this case and in accordance with his request there were attached to his brief copies of the roll cards of John Thompson, Choctaw D 858 and Henry Thompson, Chickasaw roll card number 1233.

Secretary 12.

February 26, 1907, referring to Departmental letter of February 25, 1907, requesting this office to forward a list of those persons whose enrollment should be cancelled in view of the opinion of the Attorney General of the United States of February 19, 1907, in the Choctaw enrollment cases of Loula West and William C. Thompson, the Commissioner to the Five Civilized Tribes reported that the case of Franklin M. Barton, et al. was analogous to the case of William C. Thompson, et al. and recommended that his decision of January 10, 1907, in so far as the same was favorable to the applicants, and the schedules above described, all transmitted with letter of January 10, 1907, be disapproved by the Department.

February 28, 1907 (Land 15612-1907) the Indian Office transmitted the report of this office of January 19, 1907, and the record and decision in the case of Franklin M. Barton, et al. and recommended, in view of the decision of the Department of Justice of February 19, 1907, in the case of William C. Thompson, et al. that the decision of the Commissioner of January 10, 1907, be reversed as to the applicants enrolled therein and that all of the applicants be denied enrollment as citizens of the Choctaw Nation.

March 2, 1907 (I T D 6598-1907) the Department denied the applications for the enrollment of all the parties to this case.

March 4, 1907 (I T D 2080,2716,3000,6918-1907), in accordance with the recommendation of this office of February 26, 1907 , the schedule of

Secretary 13.

Choctaw by blood, Numbers 16066 to 16161, inclusive,
Choctaw by marriage Numbers 1623 to 1628, inclusive,
Minor Choctaw (April 26, 1906) Numbers 844 to 855 inclusive

were disapproved by the Department. These schedules were transmitted to the Department with Indian Office letters of January 31, 1907 (Land 7292-1907), February 7, 1907 (Land 7291-1907) and February 11, 1907 (Land 7290-1907).

Inasmuch as these persons were never on an approved roll no formal allotments were ever made to them. Applications for certain lands were made by one or two of the applicants in this case which were involved in contest cases which were dismissed March 4, 1907.

This office was not advised of any favorable action ever having been taken by the Department in this case.

Respectfully,

Through the Commissioner of Indian Affairs.

Commissioner.

AB

W R L

Land
31748-1909
J E D

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. Jun 7 1909

G.R.

Enrollment case of
Franklin H. Harton
et al.

The Commissioner

to the Five Civilized Tribes,

Muskogee, Oklahoma.

Sir:

Referring to your report of April 22, 1909, relative to the consolidated Choctaw enrollment case of Franklin H. Harton et al. you are advised that on June 2, 1909, the Department held that the case mentioned is not analogous to that of John E. Goldsby (211 U. S. 249), and therefore declined to take any action looking to the enrollment of any of the applicants therein as citizens of the Choctaw Nation. A copy of approved Office letter of June 1, 1909, is inclosed for your further information.

You are requested to notify the proper persons of this action of the Department.

Very respectfully,

C. F. Hauke

Chief Clerk.

HCMcC-4

1670

Land
31748-1909
J E D

June 1 1909

Enrollment case of Franklin
M. Harten et al.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of March 1, 1909 (File 5-[illegible] there is transmitted herewith a report of April 22, 1909, from the Commissioner to the Five Civilized Tribes relative to the consolidated Choctaw enrollment case of Franklin M. Harten, et al. The record and other papers are also inclosed. From the Commissioner's report it does not appear that the names of any of the applicants in the consolidated case above named were ever placed on any roll of Choctaw citizens prepared by the Commission or the Commissioner to the Five Civilized Tribes and approved by the Department, or that the Department ever rendered any decision favorable to their enrollment.

The office is of the opinion that the case of Franklin M. Harten et al is not analogous to that of John K. Goldsby (211 U. S. [illegible] recommends that the Department take no action [illegible]ment.

Very respectfully,

R. G. Valentine

Acting Commissioner.

[illegible] 2, 1909.

APPROVED:

Frank Pierce

First Assistant Secretary.

Choctaw 6064
Choctaw Minor
977.

Muskogee, Oklahoma, June 16, 1909.

Mr. Buford T. McCoy ,

Marlow, Oklahoma,

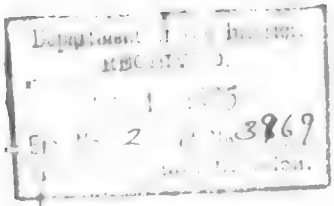
Sir:

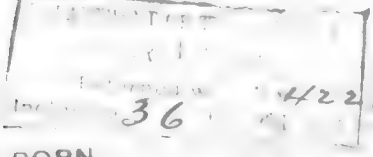
You are hereby advised that on June 2, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Franklin M. Harton, with which your case was consolidated, is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Commissioner.

AB





NEW BORN

Amina McCoy

CHOCTAW

ACT OF CONGRESS APPROVED

Born July 22, 1902

MAY 16 1906

CHOCTAW

R. 205

RECEIVED

MAY 14 1906

IN RE THE APPLICATION OF Amina McCoy A CHOCTAW BY BLOOD.

Name of Mother Neva McCoy Name of Father T B McCoy

Post Office Address Marlow I.T.

Indian Territory :
Southern District :

I, Neva McCoy on oath state that I am the lawful wife of ~~Robert B.~~ T B McCoy ~~xhs~~ and that I am a Choctaw Indian by blood, and that on the 22 day of July A.D..1902 there was born to me a female Child and that the said child is now living and ~~xxxxxidxxsx~~ has been named Amina McCoy

~~XX~~ Neva McCoy

Subscribed and sworn to before me this the 1st day of ~~July~~, A. D.1905

Geo F Butts

Notary Public.

Indian Territory :
Southern District :

Giles McCoy on oath states that ~~I am a regular practicing physician~~ she was in attendance and that on the 22 day of July A. D. 1902 I attended Mrs. Neva McCoy wife of T B McCoy and that there was born to her on that date a female Child and that the said child is now living and is said to have been named Amina McCoy

Giles McCoy ~~xxx~~

Subscribed and sworn to before me this the 3rd day of ~~July~~ A.D.1905

Geo F Butts

7-R-205

Muskogee, Indian Territory, June 25, 1906.

Buford T. McCoy,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Geneva McCoy and Mary G. McCoy to the birth of Amina McCoy, July 22, 1902; affidavits of Geneva McCoy and T. C. Barnes to the birth of Fay McCoy, child of Buford T. McCoy and Geneva McCoy (nee Woolley) June 12, 1905; also affidavits of Cordie Woolley and T. C. Barnes to the birth of James B. Woolley, child of Robert L. Woolley and Cordie Woolley (nee McCoy) April 30, 1904, affidavits of Cordie Woolley and D. M. Montgomery to the birth of John D. Woolley, child of Robert L. Woolley and Coride Woolley (nee McCoy) February 4, 1902; affidavits of Maud Reville and Mary G. McCoy to the birth of Clara May Reville, child of J. N. Reville and Maud Reville (nee McCoy), March 25, 1900; affidavits of Maud Reville and Mary G. McCoy to the birth of Thomas Pembrook Reville, child of J. N. Reville and Maud Reville (nee McCoy) August 17, 1904.

Respectfully,

Commissioner.

Choc. Minor 978

Clara May Reville

Thomas Pembrock Reville

M978

Jan. 10, 1907 Granted

1-19-07 Record forwarded Dept.

3-4-07 Decision of Commissioner of Jan. 10, 1907 revised by Dept. and schedule containing names of applicants disapproved.

3-1-09 Dept. requests report.

4-22-09 Report to Dept.

6-2-09 Dept. holds case is not analogous to Goldsby case and declines to take action looking to enrollment of applicant.

6-16-07 Parties notified.

NEW BORN

Thomas Rembrook Revilo

CHOCTAW

ACT OF CONGRESS APPROVED MAY 27, 1908

Born Aug. 17, 1904

MAY 16 1906

CHOCTAW

R-705

RECEIVED

MAY 14 1906

IN RE THE APPLICATION OF Thomas Pembroke Rivilla CHOCTAW INDIAN BY BLOOD.

NAME of Mother Maud M. Rivilla Name of Father J N Rivilla

Post Office Address Ft Worth Texas

Indian Territory :
:
Southern District :

I, Maud M. Rivilla on oath state that I am the lawful wife of J N Rivilla and that I am a Choctaw Indian by blood and that on the 17th day of August A. D. 1904 there was born to me a Male Child and that the said child is now living and has been named. Thomas Pembroke Rivilla

Maud M. Rivilla

Subscribed and sworn to before me this the 21 day of January 1905.

J J Sutton
Notary Public.
Notary Public. Tarrant County, Texas.

Indian Territory :
:
Southern District :

I J D Ray M. D. on oath states that I am a regular practicing physician and that on the 17th day of August A. D. 1904 I attended Mrs. Maud M Rivilla wife of J N. Rivilla and that there was born to her on that date a Male Child and that the said child is noe living and is said to have been named Thomas Pembroke Rivilla

J D Ray M.D.

Subscribed and sworn to before me this the 21 day of Jany., 1905

J J Sutton
Notary Public.
Notary Public. Tarrant County, Texas.

Department
3969

Returned with
Inclosure 35
4222

NEW BORN

Clara Rhoades

CHOCTAW 1

Born Mar 25, 1900

ACT OF CONGRESS APPROVED APRIL 26, 1906.

DEPARTMENT OF THE INTERIOR

MAY 16 1906

CHOCTAW

6-705

RECEIVED

MAY 14 1906

IN RE THE APPLICATION OF Clara Revilla CHOCTAW INDIAN BY BLOOD.

NAME of Mother Maud M Revilla Name of Father J N Revilla

Post Office Address Ft Wood Texas

Indian Territory :
Southern District :

I Maud M Revilla on oath state that I am the lawful wife of J N Revilla and that I am a Choctaw Indian by blood and that on the 25 day of March A. D. 1900 there was born to me a Female Child and that the said child is now living and has been named. Clara Revilla

+ Maud M Revilla

Subscribed and sworn to before me this the 21 day of January 1905.

J. A. Hilton

~~Notry Public.~~
Notary Public. Tarrant County, Texas.

Indian Territory :
Southern District :

T C Barnes M. D. on oath states that I am a regular practicing physician and that on the 25 day of March A. D. 1900 I attended Mrs. Maud M. Revilla wife of J N Revilla and that there was born to her on that date a Female Child and that the said child is now living and is said to have been named Clara Revilla

T. C. Barnes M.D.

Subscribed and sworn to before me this the 9 day of Feb., 1905

Geo. T. Outly

Notary Public.

7-R-725
685
73
206
217
225
275
23-971
974
975
976
977
978
979
1001

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of FRANKLIN M. HARTON, et al, as a citizen of the Choctaw Nation.

6------

D E C I S I O N.

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that in the year of 1899, application was made by Franklin M. Horton at South McAlester, Indian Territory, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Mattie Horton, and his children, John, James, Rachel, Mary M. and Nancy Ella Horton, as citizens by blood of said nation; and for the enrollment of his step-mother, Narcissa S. Thompson, as a citizen by intermarriage of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at South Canadian, Indian Territory, in September 1899, by William H. McCoy, for the enrollment of himself and his children, Buford T. McCoy, Maud McCoy, Cordie McCoy and William McCoy as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Mary G. McCoy, as a citizen by intermarriage of said nation, that application was made by William E. Percival at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his iwfe, Narcissa Ella Percival, and his minor children, Jesse, Taylor, Forrest, Katie and Rebecca Percival, as citizens by blood of the Choctaw Nation, that on December 10, 1903, written application was made for the enrollment of Sadie Percival as a citizen by blood of the Choctaw Nation. Subsequent proceedings show that the correct name of said applicant is Narcissa Sadie Percival. Application was made by Charles B. Darken at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Sarah Jane Darken, and his minor children, John Henry, Charles P. Myrtle E. and Gertrude Darken, and for the enrollment of Benjamin Oliver Welch, Maultsy Loley and Walter Welch, children of the said Sarah Jane Darken, and for the enrollment of Willie Loley, minor daughter of Maultsy Loley, as citizen by blood of said nation; that application was made to the Commission to the Five Civilized Tribes by John T. Thompson at Colbert, Indian Territory, on June 21, 1900, for the enrollment of himself and his minor children, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson and John

Moody Thompson, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of said nation; that application was made to the Commission to the Five Civilized Tribes at South McAlester, Indian Territory, in the year 1899, by Nannie Vaughan, for the enrollment of herself and her minor children, Hattie, Callie, Stella and Roy Vaughan, as citizens by blood of the Choctaw Nation; that application was made in September, 1899, to the Commission to the Five Civilized Tribes by Thomas J.O'Quinn, for the enrollment (among others) of John T. O'Quinn and his minor daughter, Dolphy O'Quinn, and Minnie L. Leddy as citizens by blood of the Choctaw Nation, and for the enrollment of May O'Quinn, wife of John T. O'Quinn, as a citizen by intermarriage of said Nation. Subsequent proceedings show that the correct name of the applicant Dolphy O'Quinn is Ollie Odolphus O'Quinn.

It also appears that application was made in September, 1899, to the Commission to the Five Civilized Tribes, for the enrollment of John D. Thompson as a citizen of the Choctaw Nation, as is evidenced by the fact that in the testimony of F. M. Horton before the Commission at South McAlester, Indian Territory, in September, 1899, appears a statement made by Commissioner McKennon, as follows:

> "The name of Narcissa S. Thompson also appears upon the roll of 1896, page 401, No. 15111, as an intermarried citizen, who is the mother of Mrs. Horton, who was never intermarried with a recognized citizen of the Choctaw Nation and is a white woman. Her enrollment is also refused.
>
> A son, John D. Thompson, whose case is exactly that of the Hortons above stated, and whose enrollment is also refused.
>
> The name of F. M. Horton is also found upon the roll of intermarried persons of 1896, page 390, No. 14658, he being the husband of Mattie Horton, whose enrollment is also refused."

On January 21, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of William E. Percival as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Narcissa Ella Percival, and his minor children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival and Rebecca Percival, as citizens by blood of the Choctaw Nation, together with the decision of the same date, rejecting all of the applicants in said case.

On the same date the Commission to the Five Civilized Tribes transmitted to the Department the record in the matter of the application of Nannie Vaughan for the enrollment of herself and her minor children, Hattie, Callie, Stella and Roy Vaughan as citizens by blood of the Choctaw Nation, together with the decision of the Commission of the same date denying said application.

On September 26, 1905, there was filed ? with the Department a petition of Martha Harten, relative to the right to enrollment of herself, her husband, Frances M. Harten, and her children, John F. Harten, James W.Harten, Rachel S. Harten, Mary M.Harten, and Nancy E. Harten, as citizens of the Choctaw Nation.

It will be noticed that in the original application for the enrollment of this family, the name was spelled Horton, while

in the above petition said name is spelled Harten. Subsequent proceedings have established that said name is correctly spelled Harton, and said name will hereafter in this decision be spelled accordingly.

On September 26, 1905, there was filed with the Department a petition of Nannie Foster (formerly Vaughan) relative to the right to enrollment of herself and her children, Hattie Vaughan, Callie Vaughan, Nannie Vaughan, Roy Vaughan and Thomas Clide Foster, as citizens of the Choctaw Nation.

On the same date there was filed with the Department a petition of William E. Percival, relative to the right to enrollment of himself as an intermarried citizen of the Choctaw Nation, and his wife, Narcissie Ella Percival, and their children, Jessie Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival and Narcissie Sadie Percival, as citizens of the Choctaw Nation.

On the same date there was filed with the Department a petition of Sarah Jane Darken, relative to the right to enrollment of herself and her children, Benjamin Oliver Welch, Maultsia J. Welch, Walter P. Welch, John Henry Darken, Charles Bradley Darken, Myrtle Elvy Darken, and Gertrude M. Darken, as citizens of the Choctaw Nation, and for the enrollment of her husband, Charles B. Darken, as a citizen by intermarriage of the Choctaw Nation.

On the same date there was filed with the Department a petition of John D. Thompson relative to the right to enrollment of himself as a citizen of the Choctaw Nation, in which he states:

> "I was married March 8, 1897, to Emma G. Weir, and as an issue of said marriage the following named children were born, John William Thompson, born July 9, 1899, and Hazen Maud Thompson was born June 19, 1903."

While none of said petitions conclude with a prayer, they will be considered for the purpose of this decision as petitions for the enrollment of the persons mentioned therein as citizens by blood or intermarriage of the Choctaw Nation.

The Department in its letter of April 4, 1906 (I. T. D. 13766-1905), directed the Commissioner to the Five Civilized Tribes to adjudicate the rights of John T. Thompson, et al., to enrollment as citizens by blood of the Choctaw Nation, and instructed said Commissioner to take further testimony in the case if necessary.

The Department in its letter of April 5, 1906 (I. T. D. 1313-1906), set aside the decision of the Commissioner to the Five Civilized Tribes on January 21, 1905, in the case of William E. Percival, et al., and instructed the Commissioner to make further investigation of the right of the applicants in said case to enrollment.

The Department in its letter of the same date (I. T. D. 1272-1906), set aside the decision of the Commissioner to the Five Civilized Tribes on January 21, 1905, in the case of Nannie Vaughan, et al., and instructed the Commissioner to take further testimony in said case and to readjudicate the same.

The Department in its letter of April 17, 1906 (I. T. D. 1745-1906), transmitted a letter from John T. O'Quinn of Marlow,

Indian Territory, dated April 5, 1906, relative to his application for enrollment as a citizen of the Choctaw Nation, claiming his name was included as one of the applicants in the case of William C. Thompson, et al., and stated that no reason was seen why the rights of John T. O'Quinn should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the Choctaw Nation.

On May 4, 1906, John T. O'Quinn and Mansfield McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, were notified that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at nine o'clock A. M., hear the testimony of such witnesses as he might desire to present tending to establish his right to enrollment as a citizen by blood of the Choctaw Nation.

On May 16, 1906, John T. Thompson, Marlow, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at ten o'clock A.M., hear the testimony of such witnesses as he might desire to present in the matter of his application for enrollment as a citizen of the Choctaw Nation.

On the same date Sarah Jane Darken and Martha Harton were also notified to appear at the office of the Commissioner at ten o'clock A. M., on Monday, May 28, 1906, for the purpose of introducing testimony in support of the application for the enrollment of said Sarah Jane Darken and Martha Harton and families as citizens of the Choctaw Nation, it appearing that said Sarah Jane Darken and Martha Harton were sisters of said John T. Thompson and that application for the enrollment of said parties and their families as citizens of the Choctaw Nation had been made prior to December 25, 1902. Notice of said hearing was also forwarded the attorneys for the Choctaw and Chickasaw Nations.

On the same date William H. McCoy and Mansfield, McMurray & Cornish were notified that the Commissioner would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at ten o'clock A. M., hear the testimony of witnesses in support of the application for the enrollment of said William H. McCoy and his family as citizens of the Choctaw Nation.

On the same date Nannie Vaughan (now Nannie Foster), Talihina, Indian Territory, and Mansfield, McMurray & Cornish, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at eleven o'clock A. M., on Monday, May 28, 1906, hear the testimony of witnesses in support of the application for the enrollment of said Nannie Vaughan (now Foster) and children as citizens of the Choctaw Nation.

On the same date William E. Percival, Marlow, Indian Territory, and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at one o'clock P. M., Monday, May 28, 1906, hear the testimony of witnesses in support of the application of said William E. Percival and family as citizens of the Choctaw Nation.

On May 23, 1906, there was filed with the Commissioner to the Five Civilized Tribes a petition signed by Mary E. O'Quinn, relative to the right to enrollment of John T. O'Quinn and his children, Ollie, Odolphus O'Quinn, Ruby O'Quinn, Agnes O'Quinn, Mark O'Quinn, and Alpha S. O'Quinn as citizens by blood of the Choctaw Nation, and Fannie May O'Quinn as a citizen by intermarriage of said nation.

In conformity with the above notices a hearing was had at the office of the Commissioner May 28, 1906, at which time testimony was taken relative to the rights of Minnie Lee Leddy, John D. Thompson and his two minor children, John WILLiam Thompson and Hazel Maud Thompson, as citizens by blood of the Choctaw Nation. At said hearing Wirt Franklin of the firm of Apple & Franklin, Muskogee, Indian Territory, represented the petitioners. No appearance was entered by or on behalf of the Choctaw and Chickasaw Nations.

Applications were received by the Commissioner to the Five Civilized Tribes for the enrollment of the following persons as citizens of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137): May 8, 1906, Agnes O'Quinn, born March 25, 1900; Altha S. O'Quinn, born July 8, 1905; Ollie Odolphus O'Quinn, born August 23, 1896; Mark O'Quinn, born December 9, 1902; May 14, 1906, Ruby O'Quinn, born September 12, 1898, children of John T. O'Quinn, and his wife, Fannie May O'Quinn. The application for the enrollment of Ruby O'Quinn shows that said applicant diedMarch 15, 1899. May 28, 1906, George Pope Harton, born March 2, 1906 minor child of Franklin M. Harton and Martha Ann Harton; Viola Maude Hunt, born August 17, 1905, daughter of John Hunt and his wife, Rachel Susan Hunt (nee Harton); Bertha May Harton, born February 10, 1906, minor daughter of John F. Harton andhis wife, Susie Harton; Narcissa Sadie Percival, born October 2, 1899, minor daughter of William E. Percival and Narcissa Ella Percival; June 13, 1906, Thomas Foster born June 6, 1905, minor child of the applicant, Nannie Foster, formerly Vaughan, and her husband, Louis Foster, June 18, 1906, Thomas Pembroch Reville, born August 17, 1904; Clara May Reville, born March 25, 1900, minor children of J. N. Reville and Maud Reville (nee McCoy); Amina McCoy, born July 22, 1902, and Fay McCoy, born June 12, 1905, children of Buford T. McCoy and his wife, Geneva McCoy; John D. Wooley, born February 4, 1902, and James B. Wooley, born April 30, 1904, children of Robert L. Wooley and his wife, Gordie Wooley (nee McCoy).

It appears from the records in the possession of the Commissioner to the Five Civilized Tribes that original application was filed with the Commission to the Five Civilized Tribes on September 9, 1896, for the admission of the following persons to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321):

Sarah Jane Thompson, now Darken,
Benjamin Welch,
Maultsie Welch,
Walter Welch,
Johny Darken,
Martha Ann Thompson, now Harton,

James William Harton,
John F. Harton,
Susie Harton,
Narcissa Ella Thompson, now Percival,
Jessee Percival,
Taylor Percival,
Forrest Percival,
Rebecca Percival,
Katie Percival,
Nancy S. Thompson, now Vaughan,
Hattie Vaughn,
Callie Vaughn, and
Nannie Vaughn.

The records in the possession of the Commissioner further show that on December 8, 1896, said application was denied (1896 Choctaw Citizenship Case No. 1394, entitled Sarah Jane Thompson and Martha Ann Thompson vs. Choctaw Nation). From this decision no appeal was taken.

The record herein shows that the applicant, Charles B. Darken, was married in the year 1887 to Sarah Jane Darken, in accordance with the laws of the United States, and that on October 16, 1896, said applicants were remarriedin accordance with the laws of the Choctaw Nation; that prior to her marriage to Charles B. Darken, said Sarah Jane Darken was married to Frank Welch, from whom she was lawfully divorced on November 6, 1886. The applicant, John T. O'quinn, was lawfully married on August 27, 1896, to Fannie May Calhoun; that the applicant, John T. Thompson, was lawfully married on February 17, 1887, to Katie Calhoun; that the applicant, Franklin M. Harton, was married in the year 1880, to the applicant, Mattie Harton, but said marriage was not performed in accordance with the laws of the Choctaw Nation; that the applicant, John Harton, since his application for enrollment in 1899, was married to one Susie Girty, who is enrolled as a citizen by blood of the Cherokee Nation, opposite No., 17600; that the applicant, Bertha May Harton, is the issue of said marriage, and that election was made by said John Harton for the enrollment of said Bertha May Harton as a citizen of the Choctaw Nation; that the applicant, William E. Percival, was married in the year 1894 to Narcissa Ella Percival; that said marriage was not performed in accordance with the laws of the Choctaw Nation; said Narcissa Ella Percival died September 5, 1902. The applicant, John D. Thompson, was married in the year 1896, to Emma Geneva Weir. The applicant, Mary G. McLaurine, was married February 2, 1876, to William H. McCoy.

The principal applicants with their families have resided continuously in the Choctaw-Chickasaw country since several years prior to 1896.

The names of the applicants do not appear on any of the tribal rolls of the Choctaw Nation in the possession of the Commissioner to the Five Civilized Tribes except the 1896 Choctaw Census Roll, upon which appears the names of certain of the applicants, as follows:

John T. O'quinn (as T. E. O'Quinn)	Opposite No., -10080
Minnie L. Leddy (as Winnie Liddy)	8416
John T. Thompson (as Jno. T. Thompson)	17[illegible]0
Mary F. Thompson	17[illegible]0
William H. Thompson (as Wm. Thompson)	17[illegible]1.

Charles S. Thompson (as Charles Thompson)	Opposite No.,-12532
John M. Thompson (as Jno.M.Thompson)	12533
John Henry Durham (as Jno. Henry Durham)	3626
Charles B. Durham, Jr. (as Charles B. Durham)	3627
Benjamin Oliver Welch (as Benjamin Welch)	14020
Walter Welch	14021
Maultsy Lolsy (as Maulsey Lawley)	8348
Mattie Horton	8993
Rachel Hunt (as Rachel S. Horton)	5994
John Horton (as Johnie Horton)	5995
James Horton (as Jimmie Horton)	5996
Mary M. Horton	5997
Marcissa Mila Percival (as Marcissa Percivill)	10554
Jesse Percival (as Jesse Percivill)	10555
Taylor Percival (as Taylor Percivill)	10556
Forrest Percival (as Forrest Percivill)	10557
Katie Percival (as Kate Percivill)	10558
Rebecca Percival (as Rebecca Percivill)	10559
Bunnie Vaughan (as Bunnie Vaughn)	12631
Hattie Vaughan (as Hattie Vaughn)	12632
Callie Vaughan (as Callie Vaughn)	12633
Stella Vaughan (as Stella Vaughn)	12634
William H. McCoy	9507
Buford T. McCoy	9508
Mandie McCoy	9509
Cordie McCoy	9510
William McCoy	9511

The name of Katie Thompson appears upon said roll as Kate Thompson, opposite No. 15126, as a citizen by intermarriage of the Choctaw Nation. The name of Mary E. McCoy also appears on said roll opposite No. 14092, as a citizen by intermarriage of the Choctaw Nation. The name of C. B. Durham also appears on said roll opposite No. 14485, as a citizen by intermarriage of the Choctaw Nation.

The name of the applicant, Sarah Jane Durham, does not appear upon the 1896 Choctaw [illegible] Roll in the possession of the Commissioner to the Five Civilized Tribes. On September 21, 1906, there was filed with the Commissioner the affidavits of Wirt Franklin, executed September 20, 1906, in which he states that the Acting Commissioner who conducted the hearing in this case failed to identify upon the 1896 Choctaw Census Roll the name of Sarah Jane Durham, but that he identify upon the said roll all the names of her children who were then living; that as attorney for the applicants, he asked for the "roll of citizenship by blood, of Atoka County, Indian Territory, of September 25, 1896", prepared by three Commissioners for that county, who were appointed under an act of the Choctaw Council approved September 13, 1894; that said roll was brought forth; that he examined the same and found on page 89 thereof the names of Sarah J. Durham, age 34, Benjamin Welch, age 17, and Walter Welch, age 14, John Henry Durham, age 8 and Charles B. Durham, age 3, that opposite the name of Sarah J. Durham is written in a different hand than thereon and with lead pencil the word "doubtful"; that opposite the names of the others there appears the letters "C.F." also written with lead pencil, while the names themselves were written with pen and ink; that he asked the Acting Commissioner at the time these names were found on the said county

roll to make a statement in the record which was then being made in this citizenship case, setting forth what this roll showed in regard to these applicants, but he not only refused to make the statement in the record himself, but denied the affiant the right to do so as attorney for the applicants. The roll referred to in said affidavit is a book designated as "Choctaw Census Roll, No. 0", and endorsed on the outside cover thereof "Choctaws residing in Chickasaw Nation; Memorandum Roll; Roll 0". Said book has never been considered by the Commission to the Five Civilized Tribes, or its successor, as an authentic roll of the citizens of the Choctaw Nation.

In the case of Nancy J. Murphy, et al, decidedadverse to the applicants by the Commission to the Five Civilized Tribes on January 26, 1903, it was stated as follows:

"It further appears that the name of the applicant (written Nancy Murphy) is found on page 244 on the original memorandum record kept by the Enumerator for Atoka County, Choctaw Nation, in making the 1896 Choctaw Census Roll under the heading "Doubtful, claims citizenship, but her name does not appear upon any of the recognized Choctaw tribal rolls in the possession of the Commission as a citizen of said Nation".

The Department in its letter of May 18, 1903 (I. T. D. 4342-1903) approved the decision of the Commission of January 26, 1903. The memorandum referred to in said case is the book mentioned in the affidavit of Mr. Franklin. Said book, together with a report concerning same, was forwarded to the Department with a letter of the Acting Commissioner to the Five Civilized Tribes dated September 1, 1906, returning certain petitions forwarded by the Department in its letter of May 7, 1906 (I. T. D. 5244-1906) relative to the application for the enrollment of Nancy J. Murphy, et al, as citizens of the Choctaw Nation.

The name of John D. Thompson does not appear upon the 1896 Choctaw Census Roll in the possession of the Commissioner to the Five Civilized Tribes. Besides the names of John M. Thompson and John T. Thompson mentioned above, the name of John Thompson appears upon the 1896 Choctaw Census Roll opposite No. 12504, Jackfork County age 11 years. The age of the applicant John D. Thompson is given as 38 years. It is, therefore, clear that the applicant is not identical with the John Thompson whose name appears on the Choctaw Census Roll opposite No., 12504, Jackfork County,

The name of John Thompson, age 27 years, Atoka County, also appears upon the 1896 Choctaw Census roll. It appears that in the preparation of said roll the names of the numbers of each family were grouped together.

Attached to the record herein is a copy of [illegible] pages 324 and 325 of said roll upon which appears the name of John Thompson opposite No. 12455.

It will be noticed that the age of the applicant, John D. Thompson corresponds with the age of John Thompson, whose name appears on said roll opposite No. 12455. It will also be noticed that immediately following the name of John Thompson on the 1896 Choctaw Census Roll and opposite No. 12456 appears the name of Gertrude Thompson.

On February 15, 1906, this office addressed a letter to Gertrude Thompson at Hewitt, Indian Territory, requesting to be advised of the whereabouts of said John Thompson. On February 17 1906, said Gertrude Thompson addressed a letter to the Commissioner in which she stated that she knew nothing of such a person, unless it was John Henry Thompson, her husband, with whom she does not now reside; that said John Henry Thompson is a Chickasaw by blood instead of a Choctaw, and that she does not think that her name and said John Thompson's name have been placed together on any of the rolls since 1896.

On June 2, 1906, there was filed with the Commissioner by Apple & Franklin, the affidavit of Henry Thompson, in which he states that he is 31 years of age, and was the husband of Gertrude Thompson, a Choctaw citizen by blood. That he is a citizen by blood of the Chickasaw Nation; that his full name is John Henry Thompson, and that he has generally been known as Henry Thompson; that he never made an attempt to get on the 1896 Choctaw Census Roll because he is a Chickasaw by blood and was enrolled on the 1896 Chickasaw Census Roll, but he does not think his name appears on the 1896 Choctaw Census Roll for Atoka County; that it the name, John Thompson, appears on the Choctaw Census Roll, number 12455, he does not think it was meant for him, because he made no attempt to have his name placed on said roll, and does not know of any one else giving his name to the enumerators.

The name of Henry Thompson appears upon the 1896 Chickasaw Census Roll, and upon the final roll of citizens by blood of the Chickasaw Nation approved by the Secretary of the Interior opposite No. 3594.

Granting the truth of the statement contained in the affidavit of Henry Thompson that his name was placed on the 1896 Chickasaw Census Roll and that he made no effort to have his name placed on the 1896 Choctaw Roll, it is not probable that this fact would have prevented the Census committee from placing his name upon said 1896 Choctaw Census Roll. It is evident from the letter of Gertrude Thompson, above referred to, that it was her understanding that the names of herself and her husband were placed upon the 1896 Choctaw Census Roll together, and the fact that the name of John Thompson was placed on said roll, together with said Gertrude Thompson, seems to clearly indicate that John Thompson is identical with John Henry Thompson, and therefore, not identical with John D. Thompson. It also appears from the testimony of John Thompson on May 28, 1906, that he was not living in the Choctaw Nation in the year 1896 but was living in the Comanche country. It will be observed that the age of John Thompson appears on the 1896 Choctaw Census Roll as 27 years, while the age of Henry Thompson is given inhis evidence of May 30 1906, as 31 years. This discrepancy, however, is easily accounted for by the fact that said Henry Thompson states that he made no effort to have his name placed on said roll. The information concerning his age was, therefore, evidently obtained by the Census Committee from some third

person, and it is probable that his age might have been incorrectly given to said Committee.

It appears from the record herein that the applicant, Narcissa S. Thompson, died in August, 1901.

Following the ruling of the Department of April 4, 1906, (I. T. D. 4222-1906), in the case of Mary E. O'Quinn, et al., I am of the opinion that the applicants herein, who are of Choctaw blood, who were residents in good faith of the Indian Territory on June 28, 1898, and whose names appear upon the 1896 Choctaw Census Roll, and their descendants born since said roll was made, and those persons who were married to any of said applicants in accordance with the laws of the Choctaw Nation, should be enrolled as citizens of the Choctaw Nation.

I am further of the opinion that the applications for the enrollment of the applicants herein, whose names do not appear upon the 1896 Choctaw Census Roll, and who are not descendants of persons whose names do appear upon said roll, born since the date thereof, and those intermarried applicants who were not married to their Indian spouses in accordance with the laws of the Choctaw Nation, should be denied.

I am, therefore, of the opinion that the applicants, John T. O'Quinn, Ollie Odolphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles B. Darken, Jr., Benjamin Oliver Welch, Walter Welch, Maultsy J. Lawley, Willie May Lawley, Mattie Harton, John Harton, Rachel Harton, James Harton, Mary M. Harton, Nancy Elia Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Nannie Vaughan, Hattie Vaughan, Cellie Vaughan, Stella Vaughan, Roy Vaughan, William H. McCoy, Buford T. McCoy, Maud Reville, Cordie Woolley and William McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicants, Fannie May O'Quinn, Katie Thompson and Mary G. McCoy, should be enrolled as citizens by intermarriage of the Choctaw Nation under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicant, Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembreck Reville, John D. Woolley, James B. Woolley, Amina McCoy and Fay McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that the record herein establishes that application was made for the enrollment of John D. Thompson as a citizen by blood of the Choctaw Nation, and for the enrollment of Emma Geneva Thompson as a citizen by intermarriage of said nation, within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and that the same should now be determined upon its merits, and it is so ordered.

I am further of the opinion that the applications for the enrollment of John D. Thompson, Sarah Jane Darken, Myrtle E.

Darken and Gertrude M. Darken as citizens by blood of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applications for the enrollment of Franklin M. Harton, Charles B. Darken, Emma Geneva Thompson and William R. Percival as citizens by intermarriage of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition filed by John D. Thompson, September 26, 1905, in so far as it applies to John William Thompson and Hazel Maude Thompson should be considered as an application for the enrollment of said persons as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), that said application should be denied, and it is so ordered.

I am further of the opinion that the application for the enrollment of Ruby O'Quinn, who the record shows died March 15, 1899, and for the enrollment of Narcissa S. Thompson and Narcissa Ella Percival, who the record shows died prior to September 25, 1902, should be dismissed, and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

D.C.M.

J.W.M.
J.W.H.
W.C.P.
F.W.L.

DEPARTMENT OF THE INTERIOR,

GAW

WASHINGTON,

March 1, 1909.

File 5-51.

The Commissioner

to the Five Civilized Tribes.

Sir:

January 28, 1909, you were advised that the names of certain persons were inadvertently included in Departmental letter of January 19, 1909 (File 5-51); that such mistake was due to the fact that it was supposed they were enrolled upon schedules approved by the Department, when in fact, the only schedules upon which their names appear were disapproved, and that no action should be taken under the circumstances looking to the erasure of interlineations or notations, if any, from the disapproved schedules, in connection with their names.

The names of the persons referred to in said letter of January 28, 1909, are as follows:

Cherokees by Blood.

Roll No.	
16103	Elizabeth Allen.
16112	George A. Bumgarner.
16110	Leutitia Crutchfield.
16106	Everett Crutchfield

16111	George W. Crutchfield.
16105	Ida Crutchfield.
16107	Ina Crutchfield.
16108	Louvinia Crutchfield.
16109	William Crutchfield.
921	Josephine Lafleve Long.
922	Jake Lafleve Long.
16104	David Ritter.

It now appears from the records of the Secretary's Office that there was a schedule approved May 21, 1904, by the Secretary of the Interior, and that the approval then given was cancelled by said Secretary at a later date, to-wit, June 28, 1904.

The name of Elizabeth Allen appears upon the schedule which was approved May 21, 1904, opposite the number 15551. Ida Crutchfield's name appears opposite No. 15553, while the other members of the Crutchfield family were given the numbers immediately following that assigned to her.

You are requested to cause a report to be prepared showing whether the records of your office also show that an earlier schedule containing the names of said persons was approved May 21, 1904; also whether such approval was cancelled June 28, 1904. Please report also the reason for the attempted cancellation, and whether prior notice was given thereof.

It appears further that, in connection with the names of Elizabeth Allen and the Crutchfield family on the roll approved May 21, 1904, the names of Ardella Hickman, Ida M. Southard and Grover Randall are also to be found.

In connection with said names, it is desired that you will report what action, in your opinion, should be taken concerning the first of said persons; also whether the said Ida M. Southard and Grover Randall, respectively, are identical with the Ida M. Southard whose name appears opposite No. 15880 in the printed rolls of citizens by blood of the Choctaw Nation, and the Grover Randall whose name appears on page 8 of Departmental letter of January 19, 1909 (File S-61), opposite No. 15928.

As appears from the above list, there were other persons besides the said Allen and Crutchfields whose names were enrolled on schedules which were finally disapproved by the Department; for example, George A. Bumgarner, Josephine Lafiere Long and Jake Lafiere Long.

Please report whether the names of these persons appear upon any prior approved schedule; also why it was that the Commissioner to the Five Civilized Tribes enrolled them upon the schedule which was disapproved by the Department, showing whether the Commissioner enrolled them thereon of his own motion, or under decision or instructions from the Department.

By comparison of the roll approved May 21, 1904, with the printed rolls of Choctaws by blood, the Department

finds that the numbers appearing thereon opposite the names of said persons were subsequently assigned to other citizens of the Choctaw Nation; thereby the series of roll numbers was kept perfect, but a material portion of the rolls was evidently sacrificed upon the supposition that it had become worthless. Inquiry arises in this connection as to whether there were other approved schedules which were subsequently disapproved and thrown aside. Accordingly, it is desired that you also cause a report to be prepared covering this feature of the matter, showing all persons embraced in similar cases, with recommendation as to what action should be taken as to them. This will necessitate a statement as to why their names were stricken or cancelled from the rolls, and whether such action was taken without prior notice.

There is still another matter concerning which the Department desires report to be made. It is observed that the words "No person enrolled at this number" are to be found not infrequently opposite consecutive numbers on the pages of the printed rolls; and you are requested to advise the Department whether such words were substituted for the names of individuals appearing on disapproved schedules, and if such is the case, whether such disapproved schedules were approved at any time by the Department; also whether favorable decisions were ever rendered by the Department as to such persons prior to their enrollment upon such disapproved schedules.

For the sake of expedition, a partial report should be rendered at once concerning the said Elizabeth Allen and the various members of the Critchfield family named above. The other matters referred to herein can be disposed of by subsequent reports.

Very respectfully,

Jesse E. Wilson
Assistant Secretary.

Through the

Indian Office.

294-1909.

Muskogee, Oklahoma, April 22, 1909.

Subject:

Reporting on Departmental letter of March 1, 1909, relative to Franklin M. Harton et al. whose names were on schedules which were disapproved by the Department.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental letter of March 1, 1909 (File S-51) in which reports were requested as to certain persons whose enrollment was disapproved by the Secretary of the Interior, and at whose numbers in the printed rolls appears the notation "No person enrolled at this number."

Reports have heretofore been made as to certain of the matters referred to in Departmental letter above named and I have the honor to state that the case of Franklin M. Harton, et al. comes within the class described, and to report therein as follows:

It appears from the records in the possession of this office that original application was filed with the Commission to the Five Civilized Tribes on September 9, 1896, under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321) in a case entitled Sarah Jane Thompson and Martha

Secretary 2.

Ann Thompson versus the Choctaw Nation, 1896 Choctaw Citizenship Case Number 1394, for the admission of Sarah Jane Thompson, now Darken, Benjamin Veleh, Maultsie Veleh, Walter Veleh, Johny Darken, Martha Ann Thompson, now Horton, James William Horton, John F. Horton, Susie Horton, Narcissa Kila Thompson, now Percival, Jessee Percival, Tayler Percival, Forrest Percival, Rebecca Percival, Katie Percival, Nancy E. Thompson, now Vaughn, Hattie Vaughn, Callie Vaughn and Nannie Vaughn as citizens of the Choctaw Nation.

December 8, 1896, the Commissioner denied this application, from which decision no appeal was taken to the United States Court in Indian Territory as provided by the Act of Congress approved June 10, 1896.

Subsequent to this action of the Commission to the Five Civilized Tribes and prior to the time fixed for the closing of the rolls applications were made to the Commission on behalf of the following persons for enrollment as citizens by blood and intermarriage of the Choctaw Nation:

Franklin M. Horton for enrollment as a citizen by intermarriage and for the enrollment of his wife, Mattie Horton, and his children, John Horton, James Horton, Rachel Horton, Mary M. Horton and Nancy Kila Horton, as citizens by blood, and for the enrollment of his step-mother, Narcissa S. Thompson, as a citizen by intermarriage of the Choctaw Nation.

William M. McCoy for the enrollment of himself and his children, Buford T. McCoy, Maud McCoy, Cordie McCoy and William

Secretary S.

McCoy as citizens by blood and for the enrollment of his wife, Mary G. McCoy, as a citizen by intermarriage of said nation.

William E. Percival for enrollment as a citizen by intermarriage, and for the enrollment of his wife, Narcissa Nila Percival, and his children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival and Sadie (Narcissa Sadie) Percival, as citizens by blood of the Choctaw Nation.

Charles E. Darken for enrollment as a citizen by intermarriage and for the enrollment of his wife, Sarah Jane Darken, and his minor children, John Henry Darken, Charles E. Darken, Myrtle E. Darken and Gertrude Darken, and his step-children, Benjamin Oliver Welch, Maultsy Leley and Walter Welch, and Willie Leley, daughter of Maultsy Leley, as citizens by blood of the Choctaw Nation.

John T. Thompson for the enrollment of himself and his children, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, and John Moody Thompson, as citizens by blood and for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of the Choctaw Nation.

Nannie Vaughan for the enrollment of herself and her children, Hattie Vaughan, Callie Vaughan, Stella Vaughan and Roy Vaughan, as citizens by blood of the Choctaw Nation.

John T. O'Quinn and his minor daughter, Delphy (Ollie

Secretary 4.

Adelphus) O'Quinn and Winnie L. Leddy as citizens by blood and for the enrollment of May O'Quinn, wife of John T. O'Quinn, as a citizen by intermarriage of said nation.

John D. Thompson for enrollment as a citizen by blood of the Choctaw Nation.

January 21, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of William H. Percival, his wife, Narcissa Ella Percival, and his children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival and Rebecca Percival as citizens of the Choctaw Nation, together with the decision of that date, refusing all the applicants in the case, to the Department.

On the same date the record in the matter of the application of Nannie Vaughan for the enrollment of herself and her minor children, Mattie Vaughan, Callie Vaughan, Stella Vaughan and Roy Vaughan as citizens by blood of the Choctaw Nation, together with decision of that date, was transmitted to the Department.

September 26, 1905, there was filed with the Department a petition of Martha Harten relative to the right to enrollment of herself, her husband, Francis M. Harten, and her children, John F. Harten, James W. Harten, Rachel S. Harten, Mary M. Harten and Nancy E. Harten, as citizens of the Choctaw Nation.

In the original application for the enrollment of this

family the name was spelled Norton while in the above petition the name is spelled Narton. The subsequent proceedings established that the name is correctly spelled Narton and it is so spelled hereafter.

September 26, 1906, there were also filed with the Department petitions on behalf of Mamie Foster, (formerly Vaughan) and her children, Sarah Jane Darken and her children, and John D. Thompson and his children, William E. Percival, et al.

The Department on April 4, 1906 (I T D 13766-1905) directed the Commissioner to the Five Civilized Tribes to adjudicate the rights of John T. Thompson, et al. to enrollment as citizens by blood of the Choctaw Nation and to take further testimony in the case, if necessary.

April 5, 1906 (I T D 1313-1 06) the Department set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of William E. Percival, et al. and instructed the Commissioner to make further investigation of the rights of the applicants to enrollment.

In its letter of the same date (I T D 1272-1906) the Department set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of Mamie Vaughan, et al. and directed the Commissioner to take further testimony in said case and readjudicate the same.

The Department, in its letter of April 17, 1906 (I T D 1748-1906) transmitted a letter from John T. O'Quinn, of Marlow,

Secretary G.

Indian Territory, of April 6, 1906, relative to his application for enrollment as a citizen of the Choctaw Nation, and stated that no reason was seen why his rights should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the Choctaw Nation.

In accordance with the above Departmental instructions, the principal applicants in these cases, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations were notified that a hearing would be had in these cases at the office of the Commissioner to the Five Civilized Tribes, Muskogee, Indian Territory, on Monday, May 28, 1906, and in conformity with these notices proceedings were had at that time and place.

Applications were received by the Commissioner to the Five Civilized Tribes, under the Act of Congress approved April 26, 1906 [34 Stat.,137] for the enrollment of Agnes O'Quinn, Altha S. O'Quinn, Ollie Odolphus O'Quinn, Mark O'Quinn and Ruby O'Quinn, children of John T. O'Quinn and his wife, Fannie May O'Quinn; George Pope Marten, child of Franklin M. Marten and Martha Ann Marten; Viola Maude Hunt, daughter of John Hunt and his wife, Rachel Susan Hunt, nee Marten; Bertha May Marten, daughter of John F. Marten and his wife, Susie Marten; Narcissa Sadie Percival, daughter of William H. Percival and Narcissa Nila Percival; Thomas Foster, child of Nannie Foster, formerly Vaughan, and her husband, Louis Foster;

Secretary V.

Thomas Pembrook Reville, and Clara May Reville, children of J. M. Reville and Maud Reville, nee McCoy; Amina McCay and Ray McCoy, children of Buford T. McCoy and his wife, Geneva McCoy; John D. Wooley and James M. Wooley, children of Robert L. Wooley and his wife, Cordie Wooley, nee McCoy.

It appears from the Choctaw tribal rolls in the possession of this office that the following applicants in this case are identified upon the 1896 Census Roll of the Choctaw Nation:

John T. O'Quinn (as T. R. O'Quinn), Winnie L. Leddy (as Winnie Liddy), John T. Thompson (as Jno. T. Thompson), Mary F. Thompson, William B. Thompson (as Wm. Thompson), Charles S. Thompson (as Charles Thompson), John M. Thompson (as JmO. M. Thompson), John Henry Darken (as Jno. Henry Darken), Charles B. Darken, Jr. (as Charles B. Darken), Benjamin Oliver Welch (as Benjamin Welch), Walter Welch, Manlsey Lolcy (as Manlsey Lawley), Mattie Morton, Rachel Hunt (as Rachel S. Morton), John Morton (as Johnie Morton), James Morton (as Jimmie Morton) Mary M. Morton, Narcissa Rila Perceival (as Narcissus Perceivill) Jesse Perceival (as Jesse Perceivill), Tayler Perceival (as Tayler Perceivill), Forrest Perceival (as Forrest Perceivill), Katie Perceival (as Kate Perceivill), Rebecca Perceival (as Rebecca Perceivill), Mannie Vaughan (as Mannie Vaughn), Mattie Vaughan (as Mattie Vaughn), Callie Vaughan (as Callie Vaughn), Stella Vaughan (as Stella Vaughn), William M. McCoy, Buford T. McCoy,

Secretary S.

Mandie McCoy, Cordie McCoy and William McCoy, Katie Thompson (as Kate Thompson), Mary S. McCoy and C. B. Barton.

November 17, 1906 (I T D 12807-1906) the Department requested an immediate report as to the status of the Choctaw enrollment cases of John T. Thompson, et al., William H. McCoy, et al., Charles B. Barkin, et al., Franklin M. Barton, et al., William R. Percival, et al., Mannie Foster (formerly Vaughan) et al. and John T. O'Quinn, et al.

December 11, 1906, this office reported that the case of William H. McCoy, et al. had been consolidated with the case of John T. Thompson, et al. and these cases were then receiving consideration and would be forwarded for Departmental action at an early date.

January 24, 1907, the Indian Office transmitted this report to the Department and advised that the record had not, up to that time, been received. January 31, 1907 (I T D 1862-1907) the Department requested to be advised at once the status of this case. February 18, 1907, this office advised that the application of John T. Thompson et al. for enrollment as citizens of the Choctaw Nation was consolidated with the case of Franklin M. Barton, et al. and the record in the case, together with the decision of January 10, 1907, and schedules comprising the names of persons whose applications for enrollment were granted therein were forwarded to the Department through the

Secretary 9.

Indian Office January 19, 1907.

January 10, 1907, following the ruling of the Department of April 4, 1906 (I T D 4222-1906) in the case of Mary E. O'Quinn, et al., the Commissioner rendered a decision holding that the applicants herein who were of Choctaw blood, who were residents in good faith of the Indian Territory, June 28, 1898, and whose names appeared upon the 1896 Choctaw Census Roll, and their descendants born since said roll was made and those persons who were married to any of these applicants in accordance with the laws of the Choctaw Nation should be enrolled as citizens of the Choctaw Nation, and those persons whose names did not appear on the 1896 Choctaw Census Roll, and who were not descendants of persons whose names appeared upon said roll, born since the date thereof, and those intermarried applicants who were not married to their Indian spouses in accordance with the laws of the Choctaw Nation, should be denied.

The decision therefore granted the applications for the enrollment of John T. O'Quinn, Ollie Adolphus O'Quinn, Winnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles B. Darken Jr., Benjamin Oliver Welch, Walter Welch, Maultsy J. Lawley, Willie May Lawley, Mattie Barton, John Barton, Rachel Barton, James Barton, Mary M. Barton, Nancy Ella Barton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Minnie Vaughan, Mattie Vaughan, Callie Vaughan, Stella Vaughan, Ray Vaughan

Secretary 10.

William W. McCoy, Buford T. McCoy, Maud Reville, Cordie Woolley and William McCoy as citizens by blood and Fannie May O'Quinn, Katie Thompson and Mary G. McCoy as citizens by intermarriage of the Choctaw Nation, under the provisions of the Act of Congress approved July 1, 1902.

The applications for the enrollment of Agnes O'Quinn, Altha E. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembreak Reville, John D. Woolley, James B. Woolley, Amina McCoy and Fay McCoy as minor citizens by blood of the Choctaw Nation were also granted under the provisions of the Act of Congress approved April 26, 1906.

The applications for the enrollment of John D. Thompson, Sarah Jane Darken, Myrtle E. Darken and Gertrude M. Darken as citizens by blood and Franklin M. Harton, Charles E. Darken, Emma Geneva Thompson and William E. Percival as citizens by intermarriage of the Choctaw Nation were denied under the provisions of the Act of Congress approved July 1, 1902.

The applications for the enrollment of John William Thompson and Hazel Maude Thompson under the provisions of the Act of Congress approved April 26, 1906, were denied and the applications for the enrollment of Ruby O'Quinn and Narcissa E. Thompson and Narcissa Ella Percival, who died prior to September 25, 1902, were dismissed.

January 19, 1907, the record in this case, together with the decision of the Commissioner of January 10, 1907, was transmitted to the Department.

Secretary 11.

There also accompanied this letter three letters to the Department under date of January 17, 1907, as follows:

Letter transmitting schedule of citizens by blood of the Choctaw Nation, Numbers 16066 to 16101, inclusive.

Letter transmitting schedule of citizens by marriage of the Choctaw Nation, Number 1623 to 1625, inclusive.

Letter transmitting schedule of minor citizens by blood of the Choctaw Nation, under Act of April 26, 1906, Numbers 844 to 856, inclusive.

The Commissioner advised that since the preparation of these schedules the office was in receipt of Departmental letter of January 15, 1907, directing suspension of action relative to enrollment and allotment of lands to any of the applicants in the Mississippi Choctaw case of William C. Thompson, et al. and reported that the persons included in the decision in the Choctaw enrollment case of Franklin E. Barton, et al. occupied an analogous status to the persons embraced in the Mississippi Choctaw case of William C. Thompson, et al.

This office requested, if the decision of January 10, 1907, were affirmed by the Department, that the schedules transmitted be approved and the office notified as early as practicable of Departmental action thereon.

February 6, 1907, this office transmitted appeal and brief filed by S. A. Apple, attorney at law, Ardmore, Indian Territory, for consideration in connection with this case and in accordance with his request there were attached to his brief copies of the roll cards of John Thompson, Choctaw D 858 and Henry Thompson, Chickasaw roll card number 1233.

Secretary 12.

February 26, 1907, referring to Departmental letter of February 23, 1907, requesting this office to forward a list of those persons whose enrollment should be cancelled in view of the opinion of the Attorney General of the United States of February 19, 1907, in the Choctaw enrollment cases of Loula West and William C. Thompson, the Commissioner to the Five Civilized Tribes reported that the case of Franklin H. Harton, et al. was analogous to the case of William C. Thompson, et al. and recommended that his decision of January 10, 1907, in so far as the same was favorable to the applicants, and the schedules above described, all transmitted with letter of January 19, 1907, be disapproved by the Department.

February 28, 1907 (Land 15812-1907) the Indian Office transmitted the report of this office of January 19, 1907, and the record and decision in the case of Franklin H. Harton, et al. and recommended, in view of the decision of the Department of Justice of February 19, 1907, in the case of William C. Thompson, et al. that the decision of the Commissioner of January 10, 1907, be reversed as to the applicants enrolled therein and that all of the applicants be denied enrollment as citizens of the Choctaw Nation.

March 2, 1907 (I T D 6568-1907) the Department denied the applications for the enrollment of all the parties to this case.

March 4, 1907 (I T D 2060,2716,3000,6718-1907), in accordance with the recommendation of this office of February 26, 1907 , the schedule of

Secretary 13.

Choctaw by blood, Numbers 16066 to 16161, inclusive,
Choctaws by marriage Numbers 1623 to 1625, inclusive,
Minor Choctaw (April 26, 1906) Numbers 844 to 858 inclusive

were disapproved by the Department. These schedules were transmitted to the Department with Indian Office letters of January 31, 1907 (Land 7282-1907), February 7, 1907 (Land 7291-1907) and February 11, 1907 (Land 7299-1907).

Inasmuch as these persons were never on an approved roll no formal allotments were ever made to them. Applications for certain lands were made by one or two of the applicants in this case which were involved in contest cases which were dismissed March 4, 1907.

This office was not advised of any favorable action ever having been taken by the Department in this case.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

AH

V R L

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. June 7 1909

Land
31748-1909
J R B

Enrollment case of
Franklin M. Harton
et al.

The Commissioner

to the Five Civilized Tribes,

Muskogee, Oklahoma.

Sir:

Referring to your report of April 22, 1909, relative to the consolidated Chester enrollment case of Franklin M. Harton et al, you are advised that on June 2, 1909, the Department held that the case mentioned is not analogous to that of John M. Goldsby (211 U. S. 249), and therefore declined to take any action looking to the enrollment of any of the applicants therein as citizens of the Chester Nation. A copy of approved Office letter of June 1, 1909, is inclosed for your further information.

You are requested to notify the proper persons of this action of the Department.

Very respectfully,

C. F. Hauke

Chief Clerk.

MCMcC-4

1870

Land
31748-1909
J M B

June 1 1909

Enrollment case of Franklin
H. Harton et al.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of March 1, 1909 (File L-M) there is transmitted herewith a report of April 22, 1909, from the Commissioner to the Five Civilized Tribes relative to the consolidated Choctaw enrollment case of Franklin H. Harton, et al. The record and other papers are also inclosed. From the Commissioner's report it does not appear that the names of any of the applicants in the consolidated case above named were ever placed on any roll of Choctaw citizens prepared by the Commission or the Commissioner to the Five Civilized Tribes and approved by the Department, or that the Department ever rendered any decision favorable to their enrollment.

The office is of the opinion that the case of Franklin H. Harton et al is not analogous to that of John H. Caldeby (211 U. S. 249) and therefore recommends that the Department take no action looking to their enrollment.

Very respectfully,

H. G. Valentine

Acting Commissioner.

HGVan0-27

June 1, 1909.

APPROVED:

Frank Pierce
First Assistant Secretary.

Choctaw 6064
Choctaw Miner
978.

Muskogee, Oklahoma, June 16, 1909.

Mrs. Maud Reville,

Marlow, Oklahoma,

Madam:

You are hereby advised that on June 2, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Franklin M. Harton et al., with which your case was consolidated, is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Commissioner.

AH

Choc. Minor 979

John D. Woolley

James. B. "

M979

Jan. 10, 1907 Granted.

1-19-07 Record forwarded Dept.

3-04-07 Decision of Commissioner of Jan. 10, 1907 revised by Dept. and schedule containing names of these applicants disapproved.

3-1-09 Dept. request report

4-22-09 Report to Dept.

6-2-09 Dept. holds case is not analogous to Goldsby case and declines to take action looking to enrollment of applicants.

6-16-09 Parties notified.

NEW BORN

John Lee Matt Woolley

CHOCTAW

ACT OF CONGRESS APPROVED APR. 26, 1906.

Born Feb 4th 1902

MAY 16 1906

CHOCTAW

7-A205

RECEIVED

MAY 14 1906

Department of the Interior
RECEIVED
MAY 14 1906
Land Division.

DEPARTMENT OF THE INTERIOR.
MAY 12 1906
Returned with 4222
INDIAN DIV.

IN RE THE APPLICATION OF John Dewitt Woolley A CHOCTAW BY BLOOD.

Name of Mother Cordia Belle Woolley nee McCoy Name of Father Robt L Woolley

Post Office Address Marlow I.T.

Indian Territory :
:
Southern District :

I, Cordia Belle Woolley on oath state that I am the lawful wife of Robert L. Woolley who and that I am a choctaw Indian by blood, and that on the 4 day of February A.D..1902 there was born to me a Male Child and that the said child is now living and xxxxxxxx has been named John Dewitt Woolley

Cordia Belle Woolley

Subscribed and sworn to before me this the 18 day of Jany, A. D.1906

Geo E Pettey

Notary Public.

Indian Territory :
:
Southern District :

D. M. Montgomery M.D. on oath states that I am a regular practicing physician and that on the 4 day of Feb A. D. 1902 I attended Mrs. Cordia Belle Woolley wife of Robert L. Woolley and that there was born to her on that date a Male Child and that the said child is now living and is said to have been named John Dewitt Woolley

D.M. Montgomery M.D.

Subscribed and sworn to before me this the 18 day of Jany. A.D.1906

Geo E Pettey

NEW BORN

James Dupont Hawley

CHOCTAW

ACT OF CONGRESS APPROVED

Born apr. 30, 1904.

MAY 16 1906

CHOCTAW

7-R-205

RECEIVED

MAY

IN RE THE APPLICATION OF James Buford Woolley A CHOCTAW BY BLOOD.

Name of Mother Cordie Belle Woolley Name of Father Robert L. Woolley

Post Office Address Marlow I.T.

Indian Territory :
Southern District :

I, Cordie Belle Woolley on oath state that I am the lawful wife of Robert L. Woolley xhs and that I am a choctaw Indian by blood, and that on the 30 day of April A.D. 1904 there was born to me a Male Child and that the said child is now living and xxxxxxxxx has been named James Buford Woolley

xx

Cordie Belle Woolley

Subscribed and sworn to befos me this the 18 day of Jany, A. D. 1905

Geo. T. Cuttle

Notary Public.

Indian Territory :
Southern District :

T. C. Barnes M. D. on oath states that I am a regular practicing physician and that on the 30 day of April A. D. 1904 I attended Mrs. Cordie Belle Woolley wife of Robert L. Woolley and that there was born to her on that date a Male Child and that the said child is now living and is said to have been named James Buford Woolley

T. C. Barnes M.D.

Subscribed and sworn to before me this the 18 day of Jany. A.D. 1905

Geo. T. Cuttle

N. P.

7-R-725
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DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of FRANKLIN M. HARTON, et al, as citizens of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that in the year 1899, application was made by Franklin M. Horton at South McAlester, Indian Territory, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Mattie Horton, and his children, John, James, Rachel, Mary M. and Nancy Ella Horton, as citizens by blood of said nation, and for the enrollment of his step-mother, Narcissa S. Thompson, as a citizen by intermarriage of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at South Canadian, Indian Territory, in September, 1899, by William H. McCoy, for the enrollment of himself and his children, Buford T. McCoy, Maud McCoy, Cordie McCoy and William McCoy as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Mary C. McCoy, as a citizen by intermarriage of said nation; that application was made by William E. Percival at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Narcissa Ella Percival, and his minor children, Jesse, Taylor, Forrest, Katie and Rebecca Percival, as citizens by blood of the Choctaw Nation; that on December 10, 1903, written application was made for the enrollment of Sadie Percival as a citizen by blood of the Choctaw Nation. Subsequent proceedings show that the correct name of said applicant is Narcissa Sadie Percival. Application was made by Charles E. Darken at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Sarah Jane Darken, and his minor children, John Henry, Charles E., Myrtle E. and Gertrude Darken, and for the enrollment of Benjamin Oliver Welch, Maultsy Loley and Walter Welch, children of said Sarah Jane Darken, and for the enrollment of Willie Loley, minor daughter of Maultsy Loley, as citizens by blood of said nation; that application was made to the Commission to the Five Civilized Tribes by John T. Thompson

at Colbert, Indian Territory, on June 21, 1900, for the enrollment of himself and his minor children, Mary France Thompson, Charles Stanley Thompson, William Brown Thompson and John Moody Thompson, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of said nation; that application was made to the Commission to the Five Civilized Tribes at South McAlester, Indian Territory, in the year 1899, by Nannie Vaughan, for the enrollment of herself and her minor children, Hattie Callie, Stella and Roy Vaughan, as citizens by blood of the Choctaw Nation; that application was made in September, 1899, to the Commission to the Five Civilized Tribes by Thomas J. O'Quinn, for the enrollment(among others) of John T. O'Quinn and his minor daughter, Dolphy O'Quinn, and Minnie L. Leddy as citizens by blood of the Choctaw Nation, and for the enrollment of May O'Quinn, wife of John T. O'Quinn, as a citizen by intermarriage of said nation. Subsequent proceedings show that the correct name of the applicant Dolphy O'Quinn is Ollie Odolphus O'Quinn.

It also appears that application was made in September, 1899, to the Commission to the Five Civilized Tribes, for the enrollment of John D. Thompson as a citizen of the Choctaw Nation, as is evidenced by the fact that in the testimony of F. M. Horton before the Commission at South McAlester, Indian Territory, in September, 1899, appears a statement made by Commissioner McKennon, as follows:

> "The name of Narcissa S. Thompson also appears upon the roll of 1896, page 401, No. 15111, as an intermarried citizen, who is the mother of Mrs. Horton, who was never intermarried with a recognized citizen of the Choctaw Nation and is a white woman. Her enrollment is also refused.
>
> A son, John D. Thompson, whose case is exactly that of the Hortons above stated, and whose enrollment is also refused.
>
> The name of F. M. Horton is also found upon the roll of intermarried persons of 1896, page 390, No. 14658, he being the husband of Mattie Horton, whose enrollment is also refused."

On January 21, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of William S. Percival as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Narcissa Percival, and his minor children, Jesse Percival, Taylor percival, Forrest Percival, Katie Percival and Rebecca Percival, as citizens by blood of the Choctaw Nation, together with the decision of the same date, rejecting all of the applicants in said case.

On the same date the Commission to the Five Civilized Tribes transmitted to the Department the record in the matter of the application of Nannie Vaughan for the enrollment of herself and her minor children, Hattie, Callie, Stella and Roy Vaughan as citizens by blood of the Choctaw Nation, together with the decision of the Commission of the same date denying said application.

On September 26, 1905, there was filed with the Department a petition of Martha Harten, relative to the right to enrollment of herself, her husband, Frances M. Harten, and her children, John F. Harten, Rachel S. Harten, James W. Harten, Mary M. Harten, and Nancy E. Harten, as citizens of the Choctaw Nation.

It will be noticed that in the original application for the enrollment of this family, the name was spelled Horton, while

in the above petition said name is spelled Harten. Subsequent proceedings have established that said name is correctly spelled Harton, and said name will hereafter in this decision be spelled accordingly.

On September 25, 1905, there was filed with the Department a petition of Nannie Foster (formerly Vaughan), relative to to the right to enrollment of herself and her children, Hattie Vaughan, Callie Vaughan, Nannie Vaughan, Roy Vaughan and Thomas Clide Foster, as citizens of the Choctaw Nation.

On the same date there was filed with the Departmenta petition of William E. Percival, relative to the right to enrollment of himself as an intermarried citizen of the Choctaw Nation, and his wife, Narcissie Ella Percival, and their children, Jessie Percival, Tayler Percival, Forrest Percival, Katie Percival, Rebecca Percival and Narcissie Sadie Percival, as citizens of the Choctaw Nation.

On the same date there was filed with the Departmenta petition ofSarah Jane Darken, relative to the right to enrollment of herself and her children, Benjamin Oliver Welch, Maultsia J. Welch, Walter F. Welch, John Henry Darken, Charles Bradley Darken, Myrtle Elvy Darken and Gertrude M. Darken, as citizens of the Choctaw Nation, and for the enrollment of her husband, Charles H. Darken, as a citizen by intermarriage of the Choctaw Nation.

On the same date there was filed with the Departmenta petition of John D. Thompson relative to the right to enrollment of himself as a citizen of the Choctaw Nation, in which he states:

> "I was married March 8, 1897, to Emma G. Weir, and as an issue of said marriage the following named children were born, John William Thompson, born July 9, 1899, and Hazen Maud Thompson was born June 19, 1903."

While none of said petitions conclude with a prayer, they will be considered for the purpose of this decision as petitions for the enrollment of the persons mentioned therein as citizens by blood or intermarriage of the Choctaw Nation.

The Department in its letter of April 4, 1906(I. T. D. 13766-1905), directed the Commissioner to the Five Civilized Tribes to adjudicate the rights of John T. Thompson, et al., to enrollment as a citizen by blood of the Choctaw Nation, and instructed saidCommissioner to take further testimony in the case if necessary.

The Department in its letter of April 5, 1906 (I. T. D. 1313-1906), set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of William E. Percival, et al., and instructed the Commissioner to make further investigation of the right of the applicants in said case to enrollment.

The Department in its letter of the same date (I. T. D. 1272-1905), set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of Nannie Vaughan, et al., instructed the Commissioner to take further testimony in said case and to readjudicate the same.

The Department in its letter of April 17, 1906 (I. T D. 1745-1906), transmitted a letter from John T. O'Quinn of Marlow,

Indian Territory, dated April 5, 1906, relative to his application for enrollment as a citizen of the Choctaw Nation, claiming his name was included as one of the applicants in the case of William C. Thompson, et al., and stated that no reason was seen why the rights of John T. O'Quinn should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the Choctaw Nation.

On May 4, 1906, John T. O'Quinn and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, were notified that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday May 28, 1906, at nine o'clock A. M., hear the testimony of such witnesses as he might desire to present tending to establish his right to enrollment as a citizen by blood of the Choctaw Nation.

On May 16, 1906, John T. Thompson, Marlow, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, on Monday May 28, 1906, at ten o'clock A. M., hear the testimony of such witnesses as he might desire to present in the matter of his application for enrollment as a citizen of the Choctaw Nation.

On the same date Sarah Jane Darken and Martha Harton were also notified to appear at the office of the Commissioner at ten o'clock A. M., on Monday, May 28, 1906, for the purpose of introducing testimony in support of the application for the enrollment of said Sarah Jane Darken and Martha Harton and families as citizens of the Choctaw Nation, it appearing that said Sarah Jane Darken and Martha Harton were sisters of said John T. Thompson and that application for the enrollment ofsaid parties and their families as citizens of the Choctaw Nation had been made prior to December 25, 1902. Notice of said hearing was also forwarded the attorneys for the Choctaw and Chickasaw Nations.

On the same date William H. McCoy and Mansfield, McMurray & Cornish were notified that the Commissioner would at his office at Muskogee, Indian Territory,on Monday, May 28, 1906, at ten o'clock A. M., hear the testimony of witnesses in support of the application for the enrollment of said William H. McCoy and his family as citizens of the Choctaw Nation.

On the same date Nannie Vaughan (now Nannie Foster), Talihina, Indian Territory, and Mansfield, McMurray & Cornish, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at eleven o'clock A. M., on Monday, May 28, 1906, hear the testimony of witnesses in support of the application for the enrollment of said Nannie Vaughan (now Foster) and children as citizens of the Choctaw Nation.

On the same date William E. Percival, Marlow, Indian Territory, and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at one o'clock P. M., Monday, May 28, 1906, hear the testimony of witnesses in support of the application of said William E. Percival and family as citizens of the Choctaw Nation.

On May 23, 1906, there was filed with the Commissioner to the Five Civilized Tribes a petition signed by Mary E. O'Quinn, relative to the right to enrollment of John T. O'Quinn and his children, Ollie Odolphus O'Quinn, Ruby O'Quinn, Agnes O'Quinn, Mark, O'Quinn and Alpha S. O'Quinn as citizens by blood of the Choctaw Nation, and Fannie May O'Quinn as a citizen by intermarriage of said nation.

In conformity with the above notice a hearing was had at the office of the Commissioner May 28, 1906, at which time testimony was taken relative to the rights of Minnie Lee Leddy, John D. Thompson and his two minor children, John William Thompson and Hazel Maud Thompson, as citizens by blood of the Choctaw Nation. At said hearing Wirt Franklin of the firm of Apple & Franklin, Muskogee, Indian Territory, represented the petitioners. No appearance was entered by or on behalf of the Choctaw and Chickasaw Nations.

Applications were received by the Commissioner to the Five Civilized Tribes for the enrollment of the following persons as citizens of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137) May 8, 1906, Agnes O'Quinn, born March 25, 1900; Altha S. O'Quinn, born July 8, 1905; Ollie Odolphus O'Quinn, born August 23, 1896; Mark O'Quinn, born December 9, 1902; May 14, 1906, Ruby O'Quinn, born September 12, 1898, children of John T. O'Quinn and his wife, Fannie May O'Quinn. The application for the enrollment of Ruby O'Quinn shows that said applicant died March 15, 1899. May 28, 1906, George Pope Harton, born March 2, 1906, minor child of Franklin M. Harton and Martha Ann Harton; Viola Maude Hunt, born August 17, 1905, daughter of John Hunt and his wife, Rachel Susan Hunt (nee Harton); Bertha May Harton, born February 10, 1906, minor daughter of John F. Harton and his wife, Susie Harton; Narcissa Sadie Percival, born October 2, 1899, minor daughter of William E. Percival and Narcissa Ella Percival; June 13, 1906, Thomas Foster, born July 6, 1905, minor child of the applicant, Nannie Foster, formerly Vaughan, and her husband, Louis Foster; June 18, 1906, Thomas Pembrock Reville, born August 17, 1904; Clara May Reville, born March 25, 1900, minor children of J. N. Reville and Maud Reville (nee McCoy); Amina McCoy, born July 22, 1902, and Ray McCoy, born June 12, 1905, children of Buford T. McCoy and his wife, Geneva McCoy; John D. Wooley, born February 4, 1902, and James R. Wooley, born April 30, 1904, children of Robert L. Wooley and his wife, Cordie Wooley (nee McCoy).

It appears from the records in the possession of the Commissioner to the Five Civilized Tribes that original application was filed with the Commission to the Five Civlized Tribes on September 9, 1896, for the admission of the following persons to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321):

Sarah Jane Thompson, now Darken,
Benjamin Welch,
Maultsie Welch,
Walter Welch,
Johny Darken,
Martha Ann Thompson, now Harton

James William Harton,
John F. Harton,
Susie Harton,
Narcissa Ella Thompson, now percival,
Jessee Percival,
Taylor Percival,
Forrest Percival,
Rebecca Percival,
Katie Percival,
Nancy S. Thompson, now Vaughn,
Hattie Vaughn,
Callie Vaughn, and
Nannie Vaughn.

The records in the possession of the commissoner further show that on December 8, 1896, said application was denied (1896 Choctaw Citizenship Case No. 1394, entitled Sarah Jane Thompson and Martha Ann Thompson vs. Choctaw Nation). From this decision no appeal was taken.

The record herein shows that the applicant, Charles B. Darken, was married in the year 1887 to Sarah Jane Darken, in accordance with the laws of the United States, and that on October 16, 1896, said applicants were remarried in accordance with the laws of the Choctaw Nation; that prior to her marriage to Charles B. Darken, said Sarah Jane Darken was married to Frank Welch, from whom she was lawfully divorced on November 6, 1886. The applicant, John T. O'Quinn, was lawfully married on August 27, 1895, to Fannie May Calhoun; that the applicant, John T. Thompson, was lawfully married on February 17, 1887, to Katie Calhoun; that the applicant, Franklin M. Harton, was married in the year 1880, to the applicant, Mattie Harton, but said marriage was not performed in accordance with the laws of the Choctaw Nation; that the applicant, John Harton, since his application for enrollment in 1899, was married to one Susie Girty, who is enrolled as a citizen by blood of the Cherokee Nation, opposite No. 17600; that the applicant, Bertha May Harton, is the issue of said marriage, and that election was made by said John Harton for the enrollment of said Bertha May Harton as a citizen of the Choctaw Nation; that the applicant, William E. Percival, was married in the year 1884 to Narcissa Ella Percival; that said marriage was not performed in accordance with the laws of the Choctaw Nation; said Narcissa Ella Percival died September 5, 1902. The applicant, John D. Thompson, was married in the year of 1898, to Emma Geneva Weir. The applicant, Mary G. McLaurine, was married February 2, 1876, to William H. McCoy.

The principal applicants with their families have resided continuously in the Choctaw-Chickasaw country since several years prior to 1898.

The names of the applicants do not appear on any of the tribal rolls of the Choctaw Nation in the possession of the Commissioner to the Five Civilized Tribes except the 1896 Choctaw Census Roll, upon which appear the names of certain of the applicants, as follows:

John T. O'Quinn (as T. E. O'Quinn)	Opposite No. 10029
Minnie L. Leddy (as Winnie Liddy)	8416
John T. Thompson (as Jno. T. Thompson)	12529
Mary F. Thompson	12530
William B. Thompson (as Wm. Thompson)	12531

Charles S. Thompson (as Charles Thompson)	Opposite No. -	12532
John M. Thompson (as Jno. M. Thompson)		12533
John Henry Darken(as Jno. Henry Darken)		3626
Chalres B. Darken, Jr. (as Charles B. Darken)		3627
Benjamin Oliver Welch (as Benjamin Welch)		14020
Walter Welch		14021
Maultsy Loley (as Maulsey Lawley)		8348
Mattie Horton		5993
Rachel Hunt (as Rachel S. Horton)		5994
John Horton (as Johnie Horton)		5995
James Horton (as Jimmie Horton)		5996
Mary M. Horton		5997
Narcissa Ella Percival (as Narcissus Percivill)		10554
Jesse Percival (as Jesse Percivill)		10555
Taylor Percival (as Taylor Percivill)		10556
Forrest Percival (as Forrest Percivill)		10557
Katie Percival (as Kate Percivill)		10558
Rebecca Percival (as Rebecca Percivill)		10559
Nannie Vaughan (as Nannie Vaughn)		12631
Hattie Vaughan (as Hattie Vaughn)		12632
Callie Vaughan (as Callie Vaughn)		12633
Stella Vaughan (as Stella Vaughn)		12634
William H. McCoy		9507
Buford T. McCoy		9508
Maudie McCoy		9509
Cordie McCoy		9510
William McCoy		9511

The name of Katie Thompson appears upon saidroll as Kate Thompson, opposite No. 15126, as a citizen by intermarriage of the Choctaw Nation. The name of Mary G. McCoy also appears on said roll opposite No. 14892, as a citizen by intermarriage of the Choctaw Nation. The name of C. B. Darken also appears on said roll opposite No. 14485, as a citizen by intermarriage of the Choctaw Nation.

The name of the applicant, Sarah Jane Darken, does not appear upon the 1896 Choctaw Census Roll in the possession of the Commissioner to the Five Civilized Tribes. On September 21, 1906, there was filed with the Commissioner the affidavit of Wirt Franklin, executed September 20, 1906, in which he states that the acting Commissioner who conducted the hearing in this case failed to identify upon the 1896 Choctaw Census Roll the name of Sarah Jane Darken, but that he did identify upon said roll the names of her children who were then living; that as attorney for the applicants, he asked for the "roll of citizens by blood of Atoka County, Indian Territory, of September 28, 1896", prepared by three commissioners for that county, who were appointed under the act of the Choctaw Council approved September 18, 1896; that said roll was brought forth; that he examined the same and found on page 80 thereof the names of Sarah J. Darken, age 34, Benjamin Welch, age 17, and Walter Welch, age 14, John Henry Darken, age 8 and Charles B. Darken, age 5; that opposite the name of Sarah J. Darken is written in a different hand than the names and with lead pencil the word "doubtful"; that opposite the names of the others there appears the letters "O.K.", also written with lead pencil, while the names themselves were written with pen and ink; that he asked the acting commissioner at the time these names were found on the said county

roll to make a statement in the record which was then being made in this citizenship case, setting forth what this roll showed in regard to these applicants, but he not only refused to make the statement in record himself, but denied the affiant the right to do so as attorney for the applicants. The roll referred to in said affidavit is a book designated as "Choctaw Census poll, No. 0", and endorsed on the outside cover thereof "Choctaws residing in Chickasaw Nation; Memorandum Roll; Roll 0". Said book has never been considered by the Commission to the Five Civilized Tribes, or its successor, as an authentic roll of the citizens of the Choctaw Nation.

In the case of Nancy J. Murphy, et al, decided adverse to the applicants by the Commission to the Five Civilized Tribes on January 26, 1903, it was stated as follows:

> "It further appears that the name of the applicant (written Nancy Murphy) is found on Page 244 on the original memorandum record kept by the Enumerator for Atoka County, Choctaw Nation, in making the 1896 Choctaw Census poll under the heading 'Doubtful, claim citizenship', but her name does not appear upon any of the recognized Choctaw tribal rolls in the possession of the Commission as a citizen of said Nation".

The Department in its letter of May 18, 1903 (I. T. D. 4342-1903) approved the decision of the Commission of January 26, 1903. The memorandum referred to in said case is the book mentioned in the affidavit of Mr. Franklin. Said book, together with a report concering same, was forwarded to the Department with a letter of the Acting Commissioner to the Five Civilized Tribes dated September 1, 1906, returning certain petitions forwarded by the Department in its letter of May 7, 1906 (I. T. D. 5244-1906) relative to the application for the enrollment of Nancy J. Murphy, et al, as citizens of the Choctaw Nation.

The name of John D. Thompson does not appear upon the 1896 Choctaw Census Roll in the possession of the Commissioner to the Five Civilized Tribes. Besides the names of John M. Thompson and John T. Thompson mentioned above, the name of John Thompson appears upon the 1896 Choctaw Census Roll opposite No. 12504, Jacksfork County, age 11 years. The age of the applicant John D. Thompson is given as 38 years. It is, therefore, clear that the applicant is not identical with the John Thompson whose name appears on the Choctaw Census Roll opposite No. 12504, Jacksfork County.

The name of John Thompson, age 27 years, Atoka County, also appears upon the 1896 Choctaw Census Poll. It appears that in the preparation of said roll the names of the members of each family were grouped together.

Attached to the record herein is a copy of pages 324 and 325 of said roll upon which appears the name of John Thompson opposite No. 12455.

It will be noticed that the age of the applicant, John D. Thompson corresponds with the age of John Thompson, whose name appears on said roll opposite No. 12455. It will also be noticed that immediately following the name of John Thompson on the 1896 Choctaw Census Roll and opposite No. 12456 appears the name of Gertrude Thompson.

On February 15, 1906, this office addressed a letterto Gertrude Thompson at Hewitt, Indian Territory, requesting to be advised of the whereabouts of said John Thompson. On February 17, 1906, said Gertrude Thompson addressed a letter to the Commissioner in which she stated that she knew nothing of such a person, unless it was John Henry Thompson, her husband, with whom she does not now reside; that said John Henry Thompson is a Chickasaw by blood instead of a Choctaw, and that she does not think that her name and said John Thompson's name have been placed together on any of the rolls since 1896.

On June 2, 1906, there was filed with the Commissioner by Apple & Franklin, the affidavit of Henry Thompson, in which he states that he is 31 years of age, and was the husband of Gertrude Thompson, a Choctaw citizen by blood. That he is a citizen by blood of the Chickasaw Nation; that his full name is John Henry Thompson, and that he has generally been known as Henry Thompson; that he has never made an attempt to get on the 1896 Choctaw Census Roll because he is a Chickasaw by blood and was enrolled on the 1896 Chickasaw Census Roll, but he does not think his name appears on the 1896 Choctaw Census Roll for Atoka County; that if the name, John Thompson appears on the Choctaw Census Roll, number 12455, he does not think it was meant for him, because he made no attempt to have his name placed on said roll, and does not know of any one else giving his name to the enumerators.

The name of Henry Thompson appears upon the 1896 Chickasaw Census Roll, and upon the final roll of citizens by blood of the Chickasaw Nation approved by the Secretary of the Interior opposite No. 3594.

Granting the truth of the statement contained in the affidavit of Henry Thompson that his name was placed on the 1896 Chickasaw Census Roll and that he made no effort to have his name placed on the 1896 Choctaw Roll, it is not probable that this fact would have prevented the Census committee from placing his name upon said 1896 Choctaw Census Roll. It is evident from the letter of Gertrude Thompson, above referred to, that it was her understanding that the names of herself and her husband were placed upon the 1896 Choctaw Census Roll together, and the fact that the name of John Thompson was placed on said roll, together with said Gertrude Thompson, seems to clearly indicate that John Thompson is identical with John Henry Thompson, and therefore, not identical with John D. Thompson. It also appears from the testimony of John Thompson on May 28, 1906, that he was not living in the Choctaw Nation in the year 1896 but was living in the Commanche country. It will be observed that the age of John Thompson appears on the 1896 Choctaw Census Roll as 27 years, while the age of Henry Thompson isgiven in his evidence of May 30, 1906, as 31 years. This discrepancy, however, is easily accounted for by the fact that said Henry Thompson states that he made no effort to have his name placed on said roll. The information concerning his age was, therefore, evidently obtained by the Census Committee from some third

person, and it is probable that his age might have been incorrectly given to the said Committee.

It appears from the record herein that the applicant, Narcissa S. Thompson, died in August, 1901.

Following the ruling of the Department of April 4, 1906 (I. T. D. 4222-1906), in the case of Mary E. O'Quinn, et al., I am of the opinion that the applicants herein, who are of Choctaw blood, who were residents in good faith of Indian Territory on June 28, 1898, and whose names appear upon the 1896 Choctaw Census Roll, and their decendants born since said roll was made, and those persons who were married to any of said applicants in accordance with the laws of the Choctaw Nation, should be enrolled as citizens of the Choctaw Nation.

I am further of the opinion that the applications for the enrollment of the applicants herein, whose names do not appear upon the 1896 Choctaw Census Roll, and who are not decendants of persons whose names do appear upon said roll, born since the date thereof, and those intermarried applicants who were not married to their Indian spouses in accordance with the laws of the Choctaw Nation, should be denied.

I am, therefore, of the opinion that the applicants, John,T. O'Quinn, Ollie Odolphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles B. Darken, Jr., Benjamin Oliver Welch, Walter Welch, Maultsy J. Lawley, Willie May Lawley, Mattie Harton, John Harton, Rachel Harton, James Harton, Mary M. Harton, Nancy Ella Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Nannie Vaughan, Hattie Vaughan, Callie Vaughan, Stella Vaughan, Roy Vaughan, William H. McCoy, Buford T. McCoy, Maud Reville, Cordie Woolley and William McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicants, Fannie May O'Quinn, Katie Thompson and Mary G. McCoy, should be enrolled as citizens by intermarriage of the Choctaw Nation under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicants, Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembrook Reville, John D. Woolley, James B. Woolley, Amina McCoy and Ray McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that the record herein establishes that application was made for the enrollment of John D. Thompson as a citizen by blood of the Choctaw Nation, and for the enrollment of Emma Geneva Thompson as a citizen by intermarriage of said nation, within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and that the same should now be determined upon its merits, and it is so ordered.

I am further of the opinion that the applications for the enrollment of John D. Thompson, Sarah Jane Darken, Myrtle E.

Darken and Gertrude M. Darken as citizens by blood of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applications for the enrollment of Franklin M. Harton, Charles P. Darken, Emma Geneva Thompson and William E. Percival as citizens by intermarriage of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition filed by John D. Thompson, September 26, 1905, in so far as it applies to John William Thompson and Hazel Maude Thompson should be considered as an application for the enrollment of said persons as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), that said application should be denied, and it is so ordered.

I am further of the opinion that the application for the enrollment of Roby O'Quinn, who the record shows died March 15, 1899, and for the enrollment of Narcissa S. Thompson and Narcissa Ella Percival, who the record shows died prior to September 25, 1902, should be dismissed, and it is so ordered.

Tams Bixby

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

Jan 10 1907

D.C.K.
SAW

J.W.K.
J.W.H.
W.C.P.
T.B.L.

DEPARTMENT OF THE INTERIOR,
WASHINGTON,

March 1, 1909.

File 5-51.

The Commissioner
to the Five Civilized Tribes,
Sir:

January 25, 1909, you were advised that the names of certain persons were inadvertently included in Departmental letter of January 19, 1909 (File 5-51); that such mistake was due to the fact that it was supposed they were enrolled upon schedules approved by the Department, when in fact, the only schedules upon which their names appear were disapproved, and that no action should be taken under the circumstances looking to the erasure of interlineations or notations, if any, from the disapproved schedules, in connection with their names.

The names of the persons referred to in said letter of January 25, 1909, are as follows:

Cherokee by Blood.

Roll No.	
16103	Elizabeth Allen.
16112	George A. Baumgarner.
16110	Chestitia Crutchfield.
16106	Everett Crutchfield

16111	George V. Crutchfield.
16106	Ida Crutchfield.
16107	Ina Crutchfield.
16108	Lewinia Crutchfield.
16109	William Crutchfield.
921	Josephine Lafiere Long.
922	Jake Lafiere Long.
16104	David Ritter.

It now appears from the records of the Secretary's Office that there was a schedule approved May 21, 1904, by the Secretary of the Interior, and that the approval then given was cancelled by said Secretary at a later date, to-wit, June 28, 1904.

The name of Elizabeth Allen appears upon the schedule which was approved May 21, 1904, opposite the number 15551. Ida Crutchfield's name appears opposite No. 15553, while the other members of the Crutchfield family were given the numbers immediately following that assigned to her.

You are requested to cause a report to be prepared showing whether the records of your office also show that an earlier schedule containing the names of said persons was approved May 21, 1904; also whether such approval was cancelled June 28, 1904. Please report also the reason for the attempted cancellation, and whether prior notice was given thereof.

It appears further that, in connection with the names of Elizabeth Allen and the Crutchfield family on the roll approved May 21, 1904, the names of Ardella Nickens, Ida M. Southard and Grover Randall are also to be found.

In connection with said names, it is desired that you will report what action, in your opinion, should be taken concerning the first of said persons; also whether the said Ida M. Southard and Grover Randall, respectively, are identical with the Ida M. Southard whose name appears opposite No. 15280 in the printed rolls of citizens by blood of the Choctaw Nation, and the Grover Randall whose name appears on page 8 of Departmental letter of January 19, 1909 (File 8-51), opposite No. 10928.

As appears from the above list, there were other persons besides the said Allen and Crutchfields whose names were enrolled on schedules which were finally disapproved by the Department; for example, George A. Dungarner, Josephine Laflore Long and Jake Laflore Long.

Please report whether the names of these persons appear upon any prior approved schedule; also why it was that the Commissioner to the Five Civilized Tribes enrolled them upon the schedule which was disapproved by the Department, [illegible] the Commissioner enrolled them upon this [illegible] or under revision or instructions from the Department.

By comparison of the roll approved May 21, 1904, with the printed rolls of Choctaws by blood, the Department

finds that the numbers appearing thereon opposite the names of said persons were subsequently assigned to other citizens of the Choctaw Nation; thereby the series of roll numbers was kept perfect, but a material portion of the rolls was evidently sacrificed upon the supposition that it had become worthless. Inquiry arises in this connection as to whether there were other approved schedules which were subsequently disapproved and thrown aside. Accordingly, it is desired that you also cause a report to be prepared covering this feature of the matter, showing all persons embraced in similar cases, with recommendation as to what action should be taken as to them. This will necessitate a statement as to why their names were stricken or cancelled from the rolls, and whether such action was taken without prior notice.

There is still another matter concerning which the Department desires report to be made. It is observed that the words "No person enrolled at this number" are to be found not infrequently opposite consecutive numbers on the pages of the printed rolls, and you are requested to advise the Department whether such words were substituted for the names of individuals appearing on disapproved schedules, and if such is the case, whether such disapproved schedules were approved at any time by the Department; also whether favorable decisions were ever rendered by the Department as to such persons prior to their enrollment upon such disapproved schedules.

For the sake of expedition, a partial report should be rendered at once concerning the said Elizabeth Allen and the various members of the Crutchfield family named above. The other matters referred to herein can be disposed by subsequent reports.

Very respectfully,

Jesse A. Wilson,

Assistant Secretary.

Through the

Indian Office.

294-1909.

Muskogee, Oklahoma, April 22, 1909.

Subject:

Reporting on Departmental letter of March 1, 1909, relative to Franklin M. Harton et al. whose names were on schedules which were disapproved by the Department.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental letter of March 1, 1909 (File S-51) in which reports were requested as to certain persons whose enrollment was disapproved by the Secretary of the Interior, and at whose numbers in the printed rolls appears the notation "No person enrolled at this number."

Reports have heretofore been made as to certain of the matters referred to in Departmental letter above named and I have the honor to state that the case of Franklin M. Harton, et al. comes within the class described, and to report therein as follows:

It appears from the records in the possession of this office that original application was filed with the Commission to the Five Civilized Tribes on September 9, 1896, under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321) in a case entitled Sarah Jane Thompson and Martha

Secretary 2.

Ann Thompson versus the Choctaw Nation, 1896 Choctaw Citizenship Case Number 1394, for the admission of Sarah Jane Thompson, now Durken, Benjamin Welch, Maultsie Welch, Walter Welch, Johny Durken, Martha Ann Thompson, now Norton, James William Norton, John F. Norton, Susie Norton, Narcissa Nila Thompson, now Percival, Jessee Percival, Taylor Percival, Forrest Percival, Rebecca Percival, Katie Percival, Nancy S. Thompson, now Vaughn, Nattie Vaughn, Callie Vaughn and Nannie Vaughn as citizens of the Choctaw Nation.

December 8, 1896, the Commissioner denied this application, from which decision no appeal was taken to the United States Court in Indian Territory as provided by the Act of Congress approved June 10, 1896.

Subsequent to this action of the Commission to the Five Civilized Tribes and prior to the time fixed for the closing of the rolls applications were made to the Commission on behalf of the following persons for enrollment as citizens by blood and intermarriage of the Choctaw Nation:

Franklin M. Norton for enrollment as a citizen by intermarriage and for the enrollment of his wife, Nattie Norton, and his children, John Norton, James Norton, Rachel Norton, Mary M. Norton and Nancy Nila Norton, as citizens by blood, and for the enrollment of his step-mother, Narcissa S. Thompson, as a citizen by intermarriage of the Choctaw Nation.

William M. McCoy for the enrollment of himself and his children, Buford T. McCoy, Maud McCoy, Cordie McCoy and William

Secretary S.

McCoy as citizens by blood and for the enrollment of his wife, Mary G. McCoy, as a citizen by intermarriage of said nation.

William E. Percival for enrollment as a citizen by intermarriage, and for the enrollment of his wife, Narcissa Ella Percival, and his children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival and Sadie (Narcissa Sadie) Percival, as citizens by blood of the Choctaw Nation.

Charles R. Darken for enrollment as a citizen by intermarriage and for the enrollment of his wife, Sarah Jane Darken, and his minor children, John Henry Darken, Charles R. Darken, Myrtle E. Darken and Gertrude Darken, and his step-children, Benjamin Oliver Welch, Waultsy Loley and Walter Welch, and Willie Loley, daughter of Waultsy Loley, as citizens by blood of the Choctaw Nation.

John T. Thompson for the enrollment of himself and his children, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, and John Moody Thompson, as citizens by blood and for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of the Choctaw Nation.

Nannie Vaughan for the enrollment of herself and her children, Hattie Vaughan, Callie Vaughan, Stella Vaughan and Roy Vaughan, as citizens by blood of the Choctaw Nation.

John T. O'Quinn and his minor daughter, Delphy (Ollie

Secretary 4.

Odolphus)O'Quinn and Winnie L. Leddy as citizens by blood and for the enrollment of May O'Quinn, wife of John T. O'Quinn, as a citizen by intermarriage of said nation.

John D. Thompson for enrollment as a citizen by blood of the Choctaw Nation.

January 21, 1903, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of William M. Percival, his wife, Narcissa Ella Percival, and his children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival and Rebecca Percival as citizens of the Choctaw Nation, together with the decision of that date, refusing all the applicants in the case, to the Department.

On the same date the record in the matter of the application of Mannie Vaughan for the enrollment of herself and her minor children, Mattie Vaughan, Callie Vaughan, Stella Vaughan and Ray Vaughan as citizens by blood of the Choctaw Nation, together with decision of that date, was transmitted to the Department.

September 26, 1903, there was filed with the Department a petition of Martha Marten relative to the right to enrollment of herself, her husband, Frances M. Marten, and her children, John W. Marten, James W. Marten, Rachel S. Marten, Mary M. Marten and Nancy E. Marten, as citizens of the Choctaw Nation.

In the original application for the enrollment of this

Secretary S.

family the name was spelled Norton while in the above petition the name is spelled Marton. The subsequent proceedings established that the name is correctly spelled Marton and it is so spelled hereafter.

September 26, 1906, there were also filed with the Department petitions on behalf of Mamie Foster, (formerly Vaughan) and her children, Sarah Jane Durken and her children, and John D. Thompson and his children, William E. Percival, et al.

The Department on April 4, 1906 (I T D 13766-1905) directed the Commissioner to the Five Civilized Tribes to adjudicate the rights of John T. Thompson, et al. to enrollment as citizens by blood of the Choctaw Nation and to take further testimony in the case, if necessary.

April 5, 1906 (I T D 1313-1-06) the Department set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1906, in the case of William E. Percival, et al. and instructed the Commissioner to make further investigation of the rights of the applicants to enrollment.

In its letter of the same date (I T D 1272-1906) the Department set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1906, in the case of Mamie Vaughan, et al. and directed the Commissioner to take further testimony in said case and readjudicate the same.

The Department, in its letter of April 17, 1906 (I T D 1745-1906) transmitted a letter from John T. O'Quinn, of Marlow,

Secretary 6.

Indian Territory, of April 6, 1906, relative to his application for enrollment as a citizen of the Choctaw Nation, and stated that no reason was seen why his rights should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the Choctaw Nation.

In accordance with the above Departmental instructions, the principal applicants in these cases, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations were notified that a hearing would be had in these cases at the office of the Commissioner to the Five Civilized Tribes, Muskogee, Indian Territory, on Monday, May 28, 1906, and in conformity with these notices proceedings were had at that time and place.

Applications were received by the Commissioner to the Five Civilized Tribes, under the Act of Congress approved April 26, 1906 (34 Stat.,137) for the enrollment of Agnes O'Quinn, Altha E. O'Quinn, Ollie Adolphus O'Quinn, Mark O'Quinn and Ruby O'Quinn, children of John F. O'Quinn and his wife, Fannie May O'Quinn; George Pope Marten, child of Franklin M. Marten and Martha Ann Marten; Viola Maude Hunt, daughter of John Hunt and his wife, Rachel Susan Hunt, nee Marten; Bertha May Marten, daughter of John P. Marten and his wife, Susie Marten; Narcissa Sadie Percival, daughter of William H. Percival and Narcissa Ella Percival; Thomas Foster, child of Fannie Foster, formerly Vaughan, and her husband, Louis Foster;

Secretary T.

Thomas Pembrook Reville, and Clara May Reville, children of J. H. Reville and Maud Reville, nee McCoy; Amina McCoy and Ray McCoy, children of Buford T. McCoy and his wife, Geneva McCoy; John D. Wooley and James B. Wooley, children of Robert L. Wooley and his wife, Cordie Wooley, nee McCoy.

It appears from the Choctaw tribal rolls in the possession of this office that the following applicants in this case are identified upon the 1896 Census Roll of the Choctaw Nation:

John T. O'Quinn (as T. B. O'Quinn), Winnie E. Leddy (as Winnie Liddy), John T. Thompson (as Jno. T. Thompson), Mary F. Thompson, William B. Thompson (as Wm. Thompson), Charles E. Thompson (as Charles Thompson), John M. Thompson (as JnO. M. Thompson), John Henry Darken (as Jno. Henry Darken), Charles B. Darken, Jr. (as Charles B. Darken), Benjamin Oliver Welch (as Benjamin Welch), Walter Welch, Manley Lolley (as Manley Lawley), Nattie Horton, Rachel Hunt (as Rachel E. Horton), John Horton (as Johnie Horton), James Horton (as Jimmie Horton) Mary E. Horton, Narcissa Ella Percival (as Narcissus Percivill) Jesse Percival (as Jesse Percivill), Taylor Percival (as Taylor Percivill), Forrest Percival (as Forrest Percivill), Katie Percival (as Kate Percivill), Rebecca Percival (as Rebecca Percivill), Mamie Vaughan (as Mamie Vaughn), Mattie Vaughan (as Mattie Vaughn), Callie Vaughan (as Callie Vaughn), Stella Vaughan (as Stella Vaughn), William M. McCoy, Buford T. McCoy,

Secretary H.

Mandie McCoy, Cordie McCoy and William McCoy, Katie Thompson (or Kate Thompson), Mary S. McCoy and C. E. Durkee.

November 17, 1906 (I T D 13687-1906) the Department requested an immediate report as to the status of the Cherokee enrollment cases of John T. Thompson, et al., William H. McCoy, et al., Charles E. Durkin, et al., Franklin M. Harter, et al., William M. Percival, et al., Mannie Foster (formerly Vaughan) et al. and John T. O'Quinn, et al.

December 11, 1906, this office reported that the case of William M. McCoy, et al. had been consolidated with the case of John T. Thompson, et al. and these cases were then receiving consideration and would be forwarded for Departmental action at an early date.

January 24, 1907, the Indian Office transmitted this report to the Department and advised that the record had not, up to that time, been received. January 31, 1907 (I T D 1682-1907) the Department requested to be advised at once the status of this case. February 18, 1907, this office advised that the application of John T. Thompson et al. for enrollment as citizens of the Cherokee Nation was consolidated with the case of Franklin M. Harter, et al. and the record in the case, together with the decision of January 10, 1907, and schedules comprising the names of persons whose applications for enrollment were granted therein were forwarded to the Department through the

Secretary 2.

Indian Office January 10, 1907.

January 10, 1907, following the ruling of the Department of April 4, 1906 (I T D 4222-1906) in the case of Mary E. O'Quinn, et al., the Commissioner rendered a decision holding that the applicants herein who were of Choctaw blood, who were residents in good faith of the Indian Territory, June 28, 1898, and whose names appeared upon the 1896 Choctaw Census Roll, and their descendants born since said roll was made and those persons who were married to any of these applicants in accordance with the laws of the Choctaw Nation should be enrolled as citizens of the Choctaw Nation, and those persons whose names did not appear on the 1896 Choctaw Census Roll, and who were not descendants of persons whose names appeared upon said roll, born since the date thereof, and those intermarried applicants who were not married to their Indian spouses in accordance with the laws of the Choctaw Nation, should be denied.

The decision therefore granted the applications for the enrollment of John T. O'Quinn, Ollie Odolphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles B. Darken Jr., Benjamin Oliver Welch, Walter Welch, Maultsy J. Lawley, Willie May Lawley, Mattie Marten, John Marten, Rachel Marten, James Marten, Mary M. Marten, Nancy Ella Marten, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Nannie Vaughan, Mattie Vaughan, Callie Vaughan, Stella Vaughan, Roy Vaughan

Secretary 10.

William H. McCoy, Buford T. McCoy, Maud Reville, Cordie Woolley and William McCoy as citizens by blood and Fannie May O'Quinn, Katie Thompson and Mary C. McCoy as citizens by intermarriage of the Choctaw Nation, under the provisions of the Act of Congress approved July 1, 1902.

The applications for the enrollment of Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harten, George Pope Harten, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembroke Reville, John D. Woolley, James B. Woolley, Amina McCoy and Fay McCoy as minor citizens by blood of the Choctaw Nation were also granted under the provisions of the Act of Congress approved April 26, 1906.

The applications for the enrollment of John D. Thompson, Sarah Jane Darken, Myrtle M. Darken and Gertrude M. Darken as citizens by blood and Franklin M. Harten, Charles B. Darken, Emma Geneva Thompson and William R. Percival as citizens by intermarriage of the Choctaw Nation were denied under the provisions of the Act of Congress approved July 1, 1902.

The applications for the enrollment of John William Thompson and Hazel Maude Thompson under the provisions of the Act of Congress approved April 26, 1906, were denied and the applications for the enrollment of Ruby O'Quinn and Narcissa S. Thompson and Narcissa Ella Percival, who died prior to September 25, 1902, were dismissed.

January 29, 1907, the record in this case, together with the decision of the Commissioner of January 10, 1907, was transmitted to the Department.

Secretary 11.

There also accompanied this letter three letters to the Department under date of January 17, 1907, as follows:

Letter transmitting schedule of citizens by blood of the Choctaw Nation, Numbers 16066 to 16101, inclusive.

Letter transmitting schedule of citizens by marriage of the Choctaw Nation, Number 1623 to 1625, inclusive.

Letter transmitting schedule of minor citizens by blood of the Choctaw Nation, under Act of April 26, 1906, Numbers 844 to 856, inclusive.

The Commissioner advised that since the preparation of these schedules the office was in receipt of Departmental letter of January 15, 1907, directing suspension of action relative to enrollment and allotment of lands to any of the applicants in the Mississippi Choctaw case of William C. Thompson, et al. and reported that the persons included in the decision in the Choctaw enrollment case of Franklin E. Barton, et al. occupied an analogous status to the persons embraced in the Mississippi Choctaw case of William C. Thompson, et al.

This office requested, if the decision of January 10, 1907, were affirmed by the Department, that the schedules transmitted by approved and the office notified as early as practicable of Departmental action thereon.

February 6, 1907, this office transmitted appeal and brief filed by E. A. Apple, attorney at law, Ardmore, Indian Territory, for consideration in connection with this case and in accordance with his request there were attached to his brief copies of the roll cards of John Thompson, Choctaw D 838 and Henry Thompson, Chickasaw roll card number 1233.

Secretary 12.

February 26, 1907, referring to Departmental letter of February 23, 1907, requesting this office to forward a list of those persons whose enrollment should be cancelled in view of the opinion of the Attorney General of the United States of February 19, 1907, in the Choctaw enrollment cases of Louis West and William C. Thompson, the Commissioner to the Five Civilized Tribes reported that the case of Franklin M. Barton, et al. was analogous to the case of William C. Thompson, et al. and recommended that his decision of January 10, 1907, in so far as the same was favorable to the applicants, and the schedules above described, all transmitted with letter of January 19, 1907, be disapproved by the Department.

February 28, 1907 (Land 18612-1907) the Indian Office transmitted the report of this office of January 19, 1907, and the record and decision in the case of Franklin M. Barton, et al. and recommended, in view of the decision of the Department of Justice of February 19, 1907, in the case of William C. Thompson, et al. that the decision of the Commissioner of January 10, 1907, be reversed as to the applicants enrolled therein and that all of the applicants be denied enrollment as citizens of the Choctaw Nation.

March 2, 1907 (I T D 4868-1907) the Department denied the applications for the enrollment of all the parties to this case.

March 4, 1907 (I T D 2080,2716,3000,4918-1907), in accordance with the recommendation of this office of February 26, 1907 , the schedule of

Secretary 13.

Choctaw by blood, Numbers 16066 to 16101, inclusive,
Choctaws by marriage Numbers 1622 to 1625, inclusive,
Minor Choctaw (April 26, 1906) Numbers 844 to 858 inclusive

were disapproved by the Department. These schedules were transmitted to the Department with Indian Office letters of January 21, 1907 (Land 7292-1907), February 7, 1907 (Land 7291-1907) and February 11, 1907 (Land 7290-1907).

Inasmuch as these persons were never on an approved roll no formal allotments were ever made to them. Applications for certain lands were made by one or two of the applicants in this case which were involved in contest cases which were dismissed March 4, 1907.

This office was not advised of any favorable action ever having been taken by the Department in this case.

Respectfully,

Through the Commissioner of Indian Affairs.

Commissioner.

AB

Land
33748-1909
J E D

June 1 1909

Enrollment case of Franklin
M. Marion et al.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of March 1, 1909 (File 8-H there is transmitted herewith a report of April 22, 1909, from the Commissioner to the Five Civilized Tribes relative to the consolidated Choctaw enrollment case of Franklin M. Marion, et al. The record and other papers are also inclosed. From the Commissioner's report it does not appear that the names of any of the applicants in the consolidated case above named were ever placed on any roll of Choctaw citizens prepared by the Commission or the Commissioner to the Five Civilized Tribes and approved by the Department, or that the Department ever rendered any decision favorable to their enrollment.

The office is of the opinion that the case of Franklin M. Marion et al is not analogous to that of John M. Goldsby (211 U. S. 249) and therefore recommends that the Department take no action looking to their enrollment.

Very respectfully,

E. C. Valentine

Acting Commissioner.

EVMcC-FF

June 2, 1909.

APPROVED:

Frank Pierce

First Assistant Secretary.

V E L

DEPARTMENT OF THE INTERIOR.

Land
21946-1909
J E D

OFFICE OF INDIAN AFFAIRS.

G.L.

WASHINGTON. Jun 7 1909

Enrollment case of
Franklin M. Harton
et al.

The Commissioner

to the Five Civilized Tribes,

Muskogee, Oklahoma.

Sir:

Referring to your report of April 22, 1909, relative to the consolidated Choctaw enrollment case of Franklin M. Harton et al, you are advised that on June 2, 1909, the Department held that the case mentioned is not analogous to that of John E. Goldsby (211 U. S. 249), and therefore declined to take any action looking to the enrollment of any of the applicants therein as citizens of the Choctaw Nation. A copy of approved Office letter of June 1, 1909, is inclosed for your further information.

You are requested to notify the proper persons of this action of the Department.

Very respectfully,

E. P. Meritt

Chief Clerk.

EPM-C-4

1870

Choctaw 6064
Choctaw Minor
979.

Muskogee, Oklahoma, June 16, 1909.

Mrs. Cordie Woolley,

Marlow, Oklahoma,

Madam:

You are hereby advised that on June 2, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Franklin M. Harton et al., with which your case was consolidated, is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Commissioner.

AM

Choc. Minor 980

Jewel Merryman

M980

330

MINOR
CHOCTAW
ENROLLMENT

JEWEL MORRISON

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26, 1906

Application for enrollment Nov. 21, 1906
Received Nov. 21 1906
Approved and ordered
certificate to Choctaw and
Chickasaw Nations Nov. 21, 1906
Copy of application forwarded
to Chief Clerk Nov. 21 1906
Name of Indian Department
Nov. 21, 1906
Certificate issued
Feb 26, 1907

980

(end)

Notice of Appointments Issued
Farmers Laid Warning for Montana
and Wisconsin Stations
U.S. [illegible] 1907.

Notice Disappointments
Letters mailed [illegible]
[illegible] 1907

NEW BORN 980

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Jewell Merryman

as a citizen of

Choctaw Nation.

Approved..... 190...

.....

Commissioner.

Born Jan. 8, 1906.

Act of Congress approved April 26, 1906.

Department of the Interior,
Commissioner to the Five Civilized Tribes.

F I L E D Aug 7-1906.

(Signed) Tams Bixby Commissioner.

C. A. Welch,
Talihina I. T.
atty for Applicant

CHOCTAW N.B. 980
RECEIVED JUL 25 1906.

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of ..... [Here insert name of child], born on the 8th day of January 1906,

Name of Child Illigitimate a citizen of the ..... Nation.

Name of Mother Mary Merryman a citizen of the Choctaw Nation.

Tribal enrollment of father ..... Tribal enrollment of mother Intermarried

Postoffice Bengal I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

Mary Merryamn on oath state that I am 33 years of age and a citizen by Intermarried of the Choctaw Nation; that I am the lawful widow of Walter C Merryamn, who is a citizen, by blood of the Chootaw Nation; that a femal child was born to me 8th day of January 1906.; that said child has been named Jewell and was living March 4, 1906.

her
Mary X Merryman
mark

WITNESSES TO MARK:

[Must be Two Witnesses] C. A. Welch
W. A. Welch

Subscribed and sworn to before me this 3d day of Juhy 1906.
(SEAL)

W A Welch
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
..... District. }

I, ..., a....., on oath state that I attended on ....., wife of ..... on the ..... day of ..... 1 ..... that there was born to her on said date a ..... [Male or Female] child; that said child was living March 4, 1906, and is said to have been named .....

.....

WITNESSES TO MARK:

[Must be Two Witnesses] .....
.....

Subscribed and sworn to before me this ..... day of ..... 1906.

.....
Notary Public

23-980.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jewell Merryman as a citizen of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on July 25, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Jewell Merryman as a citizen of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records of this office that the applicant Jewell Merryman was born January 8, 1906, and is the illegitimate child of Mary Merryman whose name appears opposite number 834 on the final roll of citizens by intermarriage of the Choctaw Nation, approved by the Secretary of the Interior May 21, 1904.

I am of the opinion that Jewell Merryman is not entitled to enrollment as a citizen of the Choctaw Nation and that the application for her enrollment as such should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137) as amended by the Act of Congress approved June 21, 1906 (Public No. 256), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,
NOV 21 1906

23-980.

Muskogee, Indian Territory, November 21, 1906.

Mary Merryman,

Bengal, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered November 21, 1906, denying the application for the enrollment of Jewell Merryman as a citizen of the Choctaw Nation.

The decision , with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Registered.

Incl.-23-980.

23-980.

COPY.

Muskogee, Indian Territory, November 21, 1906.

Mansfield, McMurray and Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered November 21, 1906, denying the application for the enrollment of Jewell Merryman as a citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Incl. 23-980.

Muskogee, Indian Territory, November 21, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Jewell Merryman as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated November 21, 1906, denying said application.

Respectfully,

Tams Bixby

Commissioner.

Inel. 23-980.

Through the Commissioner

of Indian Affairs.

D. C. 11790-1907. JP 1

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

FHR.

I.T.D. 2632,2672,2740,2960,3264-1907.
3296,3304,3334,3374,3384, "
3394,3418,3446,3452,3480, " February 26, 1907.
3482,3530,3546,3554,3560, "
3566,3570,3572,3602,3652, "
3660,3694,3912,3982,4042, "
LRS 4054,4112,4116,4148,4194, "
4200,4230,4236,4240,4262, "
4256,4294,4310,4312, "

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir :

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of your letter of transmittal.
Joseph M. Collins,	June 19, 1906
James B. Barnes, et al.,	June 19, 1906
Fannie M. Falconer, et al.,	June 19, 1906
Jessie Joe Turner,	June 19, 1906
Thomas Weeks,	December 19, 1906
Lieta Benson,	November 6, 1906
Amy M. Hancock, et al.,	November 15, 1906
Daisy Crockett Coleman, et al.,	September 22, 1906
Harry Guion,	October 8, 1906
Lucinda M. Monks, et al.,	November 13, 1906
Agnes Irene Coleman, et al.,	December 20, 1906
Lillie May Pate, et al.,	December 20, 1906
Ruth Ann Ferguson,	December 20, 1906
Devie Adline Geferth,	December 20, 1906
Andrew J. Ollar, et al.,	November 15, 1906
Nellie C. Blakely, et al.,	November 14, 1906

Title of Case.	Date of your letter of transmittal.
Overton Martin Bonds, et al.,	January 14, 1907
John Lee Hunt,	December 20, 1906
Kathleen Lockett,	January 12, 1907.
Thomas Rudolph Hamlin,	December 20, 1906
Mamie Dunagan,	January 12, 1907
William A. Gardner,	December 20, 1906
Sophia C. Harris, et al.,	December 20, 1906
Jesse Monroe Jones,	January 12, 1907.
Bertie Cotten, et al.,	October 4, 1906
Maggie Irene Staleup,	November 22, 1906
L. Everet Parks, et al.,	November 22, 1906
Nila Florence Cochran,	October 8, 1906
Cleo Irene Cummings, et al.,	December 26, 1906
Tilden J. Smith,	November 21, 1906
Jewell Merryman,	November 21, 1906
Jim Costilow, et al.,	December 21, 1906
Lettie May Nickman, et al.,	December 24, 1906
Rue Colbert, et al.	December 21, 1906
Matilda Florence,	June 20, 1906
Mary Jane Fulsom, et al.,	June 18, 1906
Lee Keck, et al.,	October 20, 1906
Magnolia Thompson,	November 21, 1906
John Hardy Sterling, et al.,	November 23, 1906
James Maberry Morse, Jr.,	January 16, 1907
James C. Shaw,	November 21, 1906
Sallie Engleman, et al.,	January 16, 1907
Fannie Pearl Beagles, et al.,	December 21, 1906
Thomas A. Fitzgerald, (Jr.)	December 21, 1906

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

44 ins. and
98 for Ind. Of.

AFM
2-27-07

--Copy--

Land.
103430-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 18, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of July 10, 1906 (I.T.D.2548), there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated November 21, 1906, transmitting the record relative to the application of Jewell Marryman for enrollment as a citizen by blood of the Choctaw Nation.

On July 25, 1906, application was made to the Commissioner for the enrollment of Jewell Merryman as a citizen by blood.

On November 21, 1906, the Commissioner held that the applicant was not entitled to enrollment.

The record shows that the applicant is the illegitimate minor child of Mary Merryman., identified at No. 824 on the final roll of citizens by intermarriage of the Choctaw Nation, approved by the Department on May 21, 1904.

Under the provisions of Section 2 of the Act of April 26, 1906 (34 Stat. L., 137), the child takes the status of its mother. By reasons of the provisions of the Act of June 21, 1906 (34 Stat. L., 325) and the Departmental decision of July 10, 1906 (I.T.D. 2548) in the case of William Jesse Bacon, the decision of the Commissioner adverse to the applicant is recommended for approval.

Very respectfully,
C. F. Larrabee,
Acting Commissioner.

H.R.D.-ML.

23-980

Muskogee, Indian Territory, April 5, 1907.

Mary Merryman,

Bengal, Indian Territory.

Dear Madam:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered November 21, 1906, denying the application for the enrollment of Jewell Merryman as a citizen of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

23-980

Muskogee, Indian Territory, April 5, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered November 21, 1906, denying the application for the enrollment of Jewell Merryman as a citizen of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

23-980

Muskogee, Indian Territory, December 10, 1906.

Mary Graham,

Leflore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of November 27, 1906, protesting against the enrollment of Jewel Merryman as a minor citizen of the Choctaw Nation under the act of Congress approved April 26, 1906.

You are advised that on November 21, 1906, a decision was rendered by the Commissioner to the Five Civilized Tribes denying the application of Jewel Merryman for enrollment as a minor citizen of the Choctaw Nation under the act of Congress approved April 26, 1906 and on the same date the record in this case was forwarded to the Department.

Respectfully,

Acting Commissioner.

23-980

Muskogee, Indian Territory, December 10, 1906.

David Merryman,

Bengal, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 28, 1906, protesting against the enrollment of Jewel Merryman as a minor citizen of the Choctaw Nation under the Act of Congress approved April 26, 1906.

You are advised that on November 21, 1906, a decision was rendered by the Commissioner to the Five Civilized Tribes denying the application of Jewel Merryman for enrollment as a minor citizen of the Choctaw Nation under the act of Congress approved April 26, 1906 and on the same date the record in this case was forwarded to the Department.

Respectfully,

Acting Commissioner.

23-980

Muskogee, Indian Territory, December 10, 1906.

Abraham Merryman,

Leflore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 27, 1906, protesting against the enrollment of Jewel Merryman.

You are advised that on November 21, 1906, a decision was rendered by the Commissioner to the Five Civilized Tribes denying the application of Jewel Merryman for enrollment as a minor citizen of the Choctaw Nation under the act of Congress approved April 26, 1906, and on the same date the record in this case was forwarded to the Department.

Respectfully,

Acting Commissioner.

Choc. Minor 981
Dewey G. Cantrell

M981

981

MINOR
CHOCTAW
ENROLLMENT

DEWEY G. CANTRELL

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26. 1906

Decision Rendered Oct 19, 1906
Referred Oct 19, 1906
Copies of Decision Forwarded
Attorneys for Choctaw and
Chickasaw Nations Oct 19, 1906
Notice of Decision Forwarded
Applicant Oct 19, 1906
Record Forwarded Department
Oct 19, 1906
Action Approved by
Secretary of Interior
Oct 28, 1907
Notice of Departmental Action
Forwarded Attorneys for Choctaw
and Chickasaw Nations
(Over) 981 Apr 6, 1909

NEW BORN 981.

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.Dewey G. Cantrell.....

as a citizen of

..Choctaw..... Nation.

Approved..... 190...

.....

Commissioner.

Born April 9, 1904.

Act of Congress approved April 26, 1906.
Department of the Interior,
Commissioner to the Five Civilized Tribes.

F I L E D May 25 1906.
(Signed) Tams Bixby Commissioner.
CHOCTAW N. B. 981.
RECEIVED May 22 1906.

BIRTH AFFIDAVIT

199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Dewey G. Cantrall [Here insert name of child], born on the 9th day of April 1904.

Name of Father: Thomat J. Cantrell a citizen of the Choctaw Nation.

Name of Mother: Nora E. Cantrell a citizen of the United States ~~Nation~~.

Tribal enrollment of father Choctaw Tribal enrollment of mother ~~Choctaw~~

Postoffice Kittie, I.T. (Rec)

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Nora E. Cantrell on oath state that I am 30 years of age and a citizen by of the United States ~~Nation~~; that I am the lawful wife of Thomas J. Cantrell, who is a citizen, by blood of the Choctaw Nation; that a male [Male or Female] child was born to me on 9th day of April 1904.; that said child has been named Dewey G. Central and was living March 4, 1906.

Nora E Cantrell

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 21st day of May 1906.

(SEAL)

C. M. Crowell
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, J. P. McRae, a Physician, on oath state that I attended on Nora E. Cantrell, wife of Thomas J. Cantrell on the 9th day of April 1904.; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Dewey G. Cantrell.

J. P. McRae M.D.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 21st day of May 1906.

(SEAL)

C. M. Crowell
Notary Public

23-981. DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Dewey G. Cantrell as a citizen of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on May 22, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Dewey G. Cantrell as a citizen of the Choctaw Nation under the provisions of the Act of Congress approved April 26,1906 (34 Stats., 137).

It further appears from the record herein that the applicant Dewey G. Cantrell was born April , 1904 and is the son of Thomas J. Cantrell an alleged Choctaw and Nora E. Cantrell a citizen of the United States.

It appears from the records of the Commission to the Five Civilized Tribes that on September 5, 1896, in the case entitled "Allen C. Cantrell, et al., vs. Choctaw Nation" (1896 Choctaw Citizenship Docket Case 8-) original application was made to the said Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321) for the admission, among others, of the said Thomas J. Cantrell as a citizen by blood of the Choctaw Nation and on December 5, 1896, the said Thomas J. Cantrell was, by the said Commission, denied admission as a citizen by blood of the Choctaw Nation. From this decision of the Commission an appeal was taken to the United States Court for the Central District of the Indian Territory which Court in the case entitled the "Allen C. Cantrell, et al., vs. Choctaw Nation" (citizenship case number 30), reversed the decision of the Commission denying the said Thomas J. Cantrell, among others, admission to citizenship of the Choctaw Nation and admitting said Thomas J. Cantrell as a citizen by blood of the Choctaw Nation.

It further appears from the records in the possession of this office that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court created by the Act of Congress July 1, 1902 (32 Stats., 641) "set aside and held for naught" the aforesaid judgment of the United States Court for the Central District of the Indian Territory. Said cause was not appealed to the Choctaw and Chickasaw Citizenship Court for a trial de novo within the time prescribed by the Act of Congress approved July 1, 1902.

It further appears from the records of this office that in accordance with the opinion of the Acting Attorney General dated May 9, 1904 (I.T.D.3824-1904), and the opinion of the Assistant Attorney General for the Department of the Interior dated July 30, 1904 (I.T.I. 8246-1904), the application for the enrollment of said Thomas J. Cantrell, among others, as a

citizen of the Cheotaw Nation was on September 22, 1904, dismissed by the Commission to the Five Civilized Tribes.

I am of the opinion that Dewey S. Cantrell is not entitled to enrollment as a citizen of the Cheotaw Nation, and that his application for enrollment as such should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

[illegible] 1907.

23-981.

Muskogee, Indian Territory, October 19, 1906

COPY.

Thomas J. Cantrell,

Kittie, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 19, 1906, denying the application for the enrollment of Dewey C. Cantrell as a citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby
Commissioner.

Registered.

Incl. 23-981.

23-981.

Muskogee, Indian Territory, October 19, 1906

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 19, 1906, denying the application for the enrollment of Dewey C. Cantrell as a citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Incl. 23-981.

Muskogee, Indian Territory, October 13, 190·

COPY

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for enrollment of Dewey C. Cantrell as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 1·, 1906, denying said application.

Respectfully,

Commissioner.

2 Incl. 23-981.

Through the

Commissioner of Indian Affairs.

D.C.12437. J.P.
L.R.E. O.K.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I. T. D.
5080, 5146, 5148, 5190-1907.
5194, 5196, 5200, 5208, 1907.
5212, 5214, 5322, 5334, 1907.
5336, 5344, 5346, 5350-1907.
5358, 5394, 5442 -1907.

February 28, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of Your Letter of Transmittal.
Walter Henry Parris,	January 16, 1907.
Maggie Bell, et al.,	January 19, 1908.
Clarence Fisher (Freedman)	February 9, 1907.
Mary Ford, et al.,	November 9, 1907.
George M. Carpenter, et al.,	December 24, 1906
John Burditt, et al.,	December 21, 1906.
Katie Segreves,	January 8, 1907.
Dewey S. Cantrell,	October 19, 1906.
Earl Byron Wood, et al.,	January 17, 1907.
Ida Harrison (intermarried)	January 16, 1907.
Sarah E. Kizer, et al.,	February 8, 1907.
Paul Bewley et al.,	January 28, 1907.
Joseph C. Smith, et al.,	February 1, 1907.
Effie Rainey,	January 25, 1907.
Tennessee Beard (intermarried)	January 26, 1907.
Emma Perry (intermarried),	November 8, 1906.
Samuel G. Wall, et al.,	February 4, 1907.
Luella Hotchkin,	January 16, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

19 ins. and 42 ins.
for Ind. Of.

A.F.Mc.
3-1-07.

LAND
92793-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 23, 1907.

C O P Y

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Dewey C. Cantrell as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 19, 1906, adverse to the applicant.

The record shows that on May 22, 1906 application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Dewey C. Cantrell as a citizen of the Choctaw Nation. The record further shows that the applicant was born April 9, 1904, and that he is the son of Thomas J. Cantrell, an alleged Choctaw citizen, and of Nora E. Cantrell, a non-citizen.

Commissioner Bixby reports that from the records in the possession of his office it appears that in accordance with the opinion of the Acting Attorney General, dated May 9, 1904, (I.T.D.3624), and the opinion of the Assistant Attorney General for the Department dated July 30, 1904, (I.T.D.3946), the application for the enrollment of Thomas J. Cantrell, among others, as a citizen of the Choctaw Nation, was on September

22, 1904, dismissed by the Commission to the Five Civilized Tribes.

Therefore, by reason of the provisions of the Act of Congress approved April 26, 1906 (34 Stat.L.,137), the Office concurs in the decision of Commissioner Bixby denying the enrollment of Dewey C. Cantrell as a citizen of the Choctaw Nation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EHH-LC..

23-981

Muskogee, Indian Territory, April 6, 1907.

Thomas J. Cantrell,

Kittie, Indian Territory.

Dear Sir:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of October 19, 1906, denying the application for the enrollment of Dewey G. Cantrell as a citizen of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

23-981

Muskogee, Indian Territory, April 6, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw [redacted] Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of October 19, 1906, denying the application for the enrollment of Dewey C. Cantrell as a citizen of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

7-4214

Muskogee, Indian Territory, May 24, 1906.

Thomas J. Cantrell,

Kittie, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Nora E. Cantrell and J. P. McRae, M. D., to the birth of Dewey G. Cantrell son of Thomas J. and Nora E. Cantrell, April 9, 1904.

Respectfully,

Acting Commissioner.

Choc. Minor 982
Noah Clifford Kelly

M982

982

MINOR
CHOCTAW
ENROLLMENT

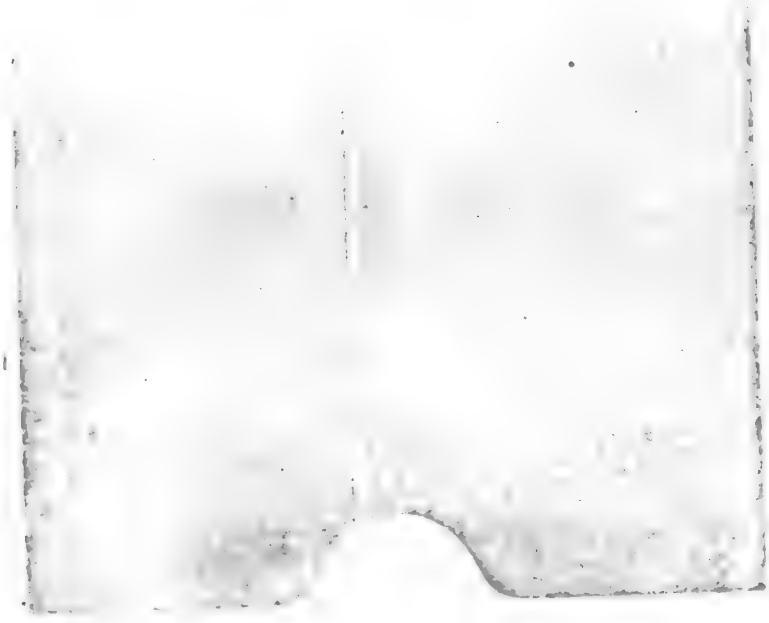
NOAH CLIFFORD KELLY

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26, 1906

Decision Rendered Oct 20, 1906
Request Oct 20, 1906
Copy of decision forwarded
Attorneys for Choctaw and
Chickasaw Nations
Oct 20, 1906
Copy of decision forwarded
Applicant Oct 20, 1906
Card forwarded Allotment
Oct 20, 1906
Action approved by
Secretary of Interior
Oct 19, 1907
Notice of Departmental Action
forwarded U.S. Attorneys for
Choctaw and Chickasaw nations
982 April 17, 1907

(over)

Notes of Dr. La Fontaine's
Action - murder - appeal
1907



NEW BORN #982

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....Noah Clifford Kelly.....

as a citizen of

....Choctaw..... Nation.

Approved..... 190...

.....

Commissioner.

Born June 15, 1905
Act of Congress approved April 26, 1906

Department of the Interior
Commissioner to the Five
Civilized Tribes.
Filed Aug 10 1906
Tams Bixby Commissioner
CHOCTAW RECEIVED JUL 20 1906
N. B. 982.

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Noah Clifford Kelly [Here insert name of child], born on the 15 day of June 1905

Name of Father: James R. Kelly a citizen of the Choctaw Nation.

Name of Mother: Cyntha Kelly a citizen of the U. S. Nation.

Tribal enrollment of father..... Tribal enrollment of mother.....

Postoffice Chagris Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Southern Dist 20 District.

I, Cintha Kelly, on oath state that I am 39 years of age and a citizen by ~~.....~~ of the ~~U S~~ Nation; that I am the lawful wife of James R. Kelly, who is a citizen, by blood, of the Choctaw Nation; that a Male [Male or Female] child was born to me on 15 day of June, 1905; that said child has been named Noah Clifford Kelly ~~and was living March 4, 1906~~ and is now living

(Signed Cyntha Kelly

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 12 day of July 1906.

(SEAL) (Signed) G. L. Tyson
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
District.

I, L. G. Oxford, a ~~.....~~, on oath state that I attended on Cyntha Kelly, wife of James R. Kelly on the 15 day of June 1905; that there was born to her on said date a Male [Male or Female] child; that ~~said child was living March 4, 1906, and~~ is now living and is said to have been named Noah Clifford Kelly

(Signed) L. G. Oxford M. D.

WITNESSES TO MARK:

[Must be Two Witnesses]
L. M. Sale
W. H. Williams

Subscribed and sworn to before me this 14 day of July 1906.

(SEAL) (Signed) Eli Oxford Notary Public
Notary Public.
Erath County Texas.

23-982.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Noah Clifford Kelly as a citizen of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on July 20, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Noah Clifford Kelly as a citizen of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that Noah Clifford Kelly was born June 15, 1905, and is the son of James R. Kelly, who was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on April 30, 1904, in case No. 27 on the South McAlester Docket thereof, and Cyntha Kelly, a non-citizen and non-applicant, either for enrollment as a citizen of the Choctaw Nation or for identification as a Mississippi Choctaw.

I am of the opinion that Noah Clifford Kelly is not entitled to enrollment as a citizen of the Choctaw Nation, and that the application made for his enrollment as such should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

OCT 20 1906.

23-982

Muskogee, Indian Territory, October 20, 1906.

James R. Kelly,

Chugris, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissione: to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Noah Clifford Kelly as a citizen of the Choctaw Nation, under the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Registered.
Incl. 23-982

23-982

Muskogee, Indian Territory, October 20, 1906.

COPY.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Noah Clifford Kelly, as a citizen of the Choctaw Nation under the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 23-982.

Muskogee, Indian Territory, October 20, 1906.

COPY.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Noah Clifford Kelly as a citizen of the Choctaw Nation under the Act of Congress approved April 26, 1906, including the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying said application.

Respectfully,

SIGNED: Tams Bixby

Commissioner.

Incl. 23-982.

Through the
Commissioner of Indian Affairs.

K L M.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. F H E .

D. C. 10350-1907.
I.T.D. 3910-1907.

February 19, 1907.

L RS.
Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

October 20, 1906, you transmitted the record in the matter of the application for the enrolment of Noah Clifford Kelly as a citizen of the Choctaw Nation, including your decision of the same date, denying said application.

Reporting February 16, 1907 (Land 92946-06), the Indian Office concurs in your decision. A copy of its letter is inclosed.

Your decision is hereby affirmed. The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos Ryan.
First Assistant Secretary.

1 inc. and 2 for Ind. Of.

A F Mc
2-20-07.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

D.C. 10650-1907.
LAND

92945-1906.

February 15, 1907.

C O P Y

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Noah Clifford Kelly as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes rendered October 20, 1906, adverse to the applicant.

The record shows that on July 20, 1906 application was made to the commissioner to the Five Civilized Tribes for the enrollment of this applicant as a citizen of the Choctaw Nation. The record further shows that Noah Clifford Kelly was born June 15, 1905, and is the son of James R. Kelly, who was denied citizenship in the Choctaw Nation by the Choctaw-Chickasaw Citizenship Court on April 30, 1904, and Cynthia Kelly, a non-citizen.

This case does not come within the Lula West case approved by the Department February 10, 1905, (I.T.D. 10363-1904).

By reason of the provisions of the Act of Congress approved

April 26, 1906, (34 Stat. L., 137), the Office concurs in the decision of the Commissioner to the Five Civilized Tribes denying the enrollment of Noah Clifford Kelly as a citizen of the Choctaw Nation.

Very respectfully,

C F Larrabee

Acting Commissioner.

KBM-LC.

23-932

Muskogee, Indian Territory, April 17, 1907.

James R. Kelly,

Chagris, Indian Territory.

Dear Sir:

You are hereby advised that on February 19, 1907, the Secretary of the Interior affirmed the decision of this office of October 20, 1906, denying the application for the enrollment of Noah Clifford Kelly as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

23 992

Muskogee, Indian Territory, April 17, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 19, 1907, the Secretary of the Interior affirmed the decision of this office of October 20, 1906, denying the application for the enrollment of Noah Clifford Kelly as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

7-3404.

Muskogee, Indian Territory, August 10, 1906.

J. R. Kelly,

Chagris, Indian Territory.

Dear Sir:

Receipt is hereby acknwoledged of your letter of July 18, 1906, transmitting affidavits of Cyntha Kelly and L. G. Oxford to the birth of Noah Clifford Kelly child of James R. Kelly and Cyntha Kelly, June 15, 1905.

Respectfully,

Commissioner.

JBM

Choc. Minor 983
Lee Keck
Dee Keck

M983

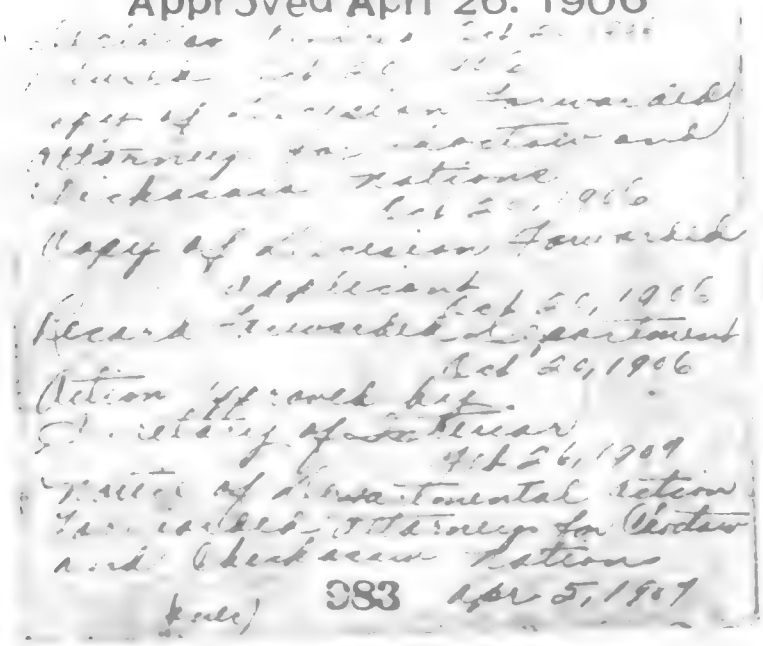
983

MINOR
CHOCTAW
ENROLLMENT

LEE HECK

DEE HECK

-s .tizen of the
CHOCTAW NATION
Act of Congress
Approved April 26. 1906





MARRIAGE LICENSE.

No. 1009

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,) ss:
SOUTHERN DISTRICT.)

To Any Person Authorized by Law to Solemnize Marriage--Greeting:

YOU ARE HEREBY COMMANDED to solemnize the Rite and publish the Banns of Matrimony between Mr John W. Keck, of Chagris, in the Indian Territory, aged 23 years, and Miss Annie Kelley of Chagris, in the Indian Territory, aged 17 years, according to law, and do you officially sign and return this License to the parties therein named.

(SEAL)

(SEAL) WITNESS my hand and official seal, this 29th day of August A. D. 1902.

O. M. Campbell
Clerk of the United States Court

S. H. Woolton Deputy.

CERTIFICATE OF MARRIAGE.

United States of America,)
Indian Territory,) ss:
Southern District.) I, M. L. Cook a minister of the Gospel do hereby certifym that on the 31 day of August A. D. 1902, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

Witness my hand this 2 day of Sep A. D. 1902

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Southern District, at Ardmore, book "C" Page 60

(Signed M. L. Cook
a minister of the Gospel

(SEAL)

F I L E D
Sep 4 1902 6 A. M.
C M CAMPBELL Clerk
Southern Dist Ind Ter.
Jul 25 1906

CERTIFICATE OF RECORD OF MARRIAGE.

UNITED STATES OF AMERICE,)
INDIAN TERRITORY,) sct.
SOUTHERN DISTRICT.)

I, C. M. Campbell, Clerk of the United States Court in the Territory and District aforesaid, do hereby certify that the License for, and Certificate of Marriage of,
Mr J. W. Keck
and
M Annie Kelley
were filed in my office in said Territory and District the 4 day of Sept. A. D. 1902, and duly recorded in Book F of Marriage Record, Page 501.
Witness my Hand and Seal of said Court, at Ardmore, this 4 day of Sept A. D. 1902

(Signed) C. M. Camp bell
Clerk.

(SEAL)

MARRIAGE LICENSE.

No. 1009

UNITED STATES OF AMERICE,)
INDIAN TERRITORY,) ss:
SOUTHERN DISTRICT.)

To Any Person Authorized by Law to Solemnize Marriage--Greeting:

YOU ARE HEREBY COMMANDED to solemnize the Rite and publish the Banns of Matrimony between Mr John W. Keck, of Chagris, in the Indian Territory, aged 23 years, and Miss Annie Kelley of Chagris, in the Indian Territory, aged 17 years, according to law, and do you officially sign and return this License to the parties therein named.

(SEAL)

(SEAL) WITNESS my hand and official seal, this 29th day of August A. D. 1902.

C. M. Campbell
Clerk of the United States Court

S. H . Woolton Deputy.

CERTIFICATE OF MARRIAGE.

United States of America,)
Indian Territory,) ss:
Southern District.) I, M. L. Cook a minister of the Gospel do herely certifym that on the 31 day of August A. D. 1902, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

Witness my hand this 2 day of Sep A. D. 1902

My credentials are recorded in the office of the Clerk of the Unite
United States Court, Indian Territory, Southern District, at Ardmore, Book "C" Page 60

(Signed M. L. Cook

a minister of the Gospel

(SEAL)

NEW BORN #983

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Lee Keck

as a citizen of

Choctaw Nation.

Approved..... 190...

.....
Commissioner.

Born July 28 1903

Act of Congress approved
April 26, 1906
Department of the Interior
Commissioner to the Five
Civilized Tribes.
Filed Aug 14 1906
Tams Bixby Commissioner.

CHOCTAW RECEIVED JUL 25 1906
N. B.983

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Lee Kack [Here insert name of child], born on the 28 day of July 1903

Name of Father: John W. Kack a citizen of the U. S. ~~Nation~~

Name of Mother: Annie Kack a citizen of the Choctaw Nation.

Tribal enrollment of father. applied a annie Kelley Tribal enrollment of mother.

Postoffice Chagris Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern Judiciary Dist #20 District. }

I, Annie Kack on oath state that I am 20 years of age and a citizen by Birth of the Choctaw Nation; that I am the lawful wife of John W Kack, who is a citizen, by ... of the U. S. ~~Nation~~; that a Male [Male or Female] child was born to me on 28 day of July 1903.; that said child has been named Lee Kack and is now living ~~and was living March 4, 1906~~

(Signed) Annie Kack

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 21 day of July 1906.

(SEAL)

(Signed) G. L. Tysan
Dist # 20 Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Cyntha Kelly, a Midwife, on oath state that I attended on Annie Kack, wife of John W. Kack, on the 28 day of July 1903 ;that there was born to her on said date a Male [Male or Female] child: ~~that said child was living March 4, 1906~~ is now living, and is said to have been named Lee Kack

(Signed) Cyntha Kelly

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 21 day of July 1906.

(SEAL)

(Signed) G. L. Tysan
Dist #20 Notary Public.

NEW BORN #983

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

....Dea..Keck.....

as a citizen of

....Choctaw..... Nation.

Approved..... 190...

.....

Commissioner.

born Oct 25 1904
Act of Congress approved
April 26, 1906
Department of the Interior
Commissioner to the Five
Civilized Tribes.
Filed Aug 14 1906
Tams Bixby Commissioner

CHOCTAW RECEIVED JUL 25 1906
N. B. 983

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS. APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Dee Kack [Here insert name of child], born on the 25 day of October 1904

Name of Father: John W. Kack a citizen of the U. S. Nation.

Name of Mother: Annie Kack Kelly a citizen of the Choctaw Nation.

Tribal enrollment of father applied as annie Tribal enrollment of mother

Postoffice Chagris Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, Annie Kack, on oath state that I am 20 years of age and a citizen by Blood Birth of the Choctaw Nation; that I am the lawful wife of John W. Kack, who is a citizen, by ——, of the U. S. Nation; that a Male [Male or Female] child was born to me on 25 day of October 1904; that said child has been named Dee Kack ~~and was living March 4, 1906~~ and is living now

(Signed) Annie Kack

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 21 day of July 1906.

(SEAL) (Signed) G. L. Tysan
Dist #20 Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, Cyntha Kelly, a Midwife, on oath state that I attended on Annie Kelly Kack, wife of John W. Kack on the 25 day of October 1904, that there was born to her on said date a Male [Male or Female] child: ~~that said child was living March 4, 1906~~, and is said to have been named Dee Kack

(Signed) Cyntha Kelly

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 21 day of July 1906.

(SEAL) (Signed) G. L. Tysan
Dist #20 Notary Public.

23-983.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lee Keck and Dee Keek as citizens of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on July 25, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Lee Keck and Dee Keck as citizens of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that Lee Keck and Dee Keek were born July 28, 1903, and October 25, 1904, respectively, and are the children of Annie Keck (nee Kelly), who was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on April 30, 1904, in Case No. 27 on the South McAlester Docket thereof, and John W. Keck, a non-citizen and non-applicant, either for enrollment as a citizen of the Choctaw Nation or for identification as a Mississippi Choctaw.

I am of the opinion that Lee Keck and Dee Keck are not entitled to enrollment as citizens of the Choctaw Nation, and that the application made for their enrollment as such should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

OCT 24 1906.

23-983

Muskogee, Indian Territory, October 20, 1906.

John W. Keck,

Chagris, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Lee Keck and Dee Keck as citizens of the Choctaw Nation under the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Registered.

Incl. 23-983

23-983

Muskogee, Indian Territory, October 20, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Lee Keck and Dee Keck as citizens of the Choctaw Nation under the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Incl. 23-983.

Muskogee, Indian Territory, October 20, 1906

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Lee Keck and Dee Keck as citizens of the Choctaw Nation under the Act of Congress approved April 26, 1906, including the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, denying said application.

Respectfully,

Tams Bixby

Commissioner.

23-983

Through the
Commissioner of Indian Affairs.

JP

DEPARTMENT OF THE INTERIOR,

D. C. 11790-1907. FHE

WASHINGTON.

I.T.D. 2632,2672,2740,2960,3264-1907
3296,3304,3336,3374,3384, "
3394,3418,3446,3452,3480, " February 26, 1907.
3482,3530,3546,3554, 3560, "
3568,3570,3572,3602,3652, "
3880,3894,3912,3982,4042, "
LRS 4054,4112,4116,4148,4194, "
4200,4230,4238,4240,4242, "
4256,4294,4310,4312, "

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir :

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of your letter of transmittal.
Joseph E. Collins,	June 19, 1906
James B. Burnes, et al.,	June 19, 1906
Fannie M. Falconer, et al.,	June 19, 1906
Jessie Joe Turner,	June 19, 1906
Thomas Woods,	December 19, 1906
Lista Benson,	November 6, 1906
Amy M. Hancock, et al.,	November 15, 1906
Daisy Crockett Coleman, et al.,	September 28, 1906
Harry Guiou,	October 2, 1906
Lucinda M. Monks, et al.,	November 13, 1906
Agnes Irene Coleman, et al.,	December 20, 1906
Lillie May Pate, et al.,	December 20, 1906
Ruth Ann Ferguson,	December 20, 1906
Dovie Adline Goforth,	December 20, 1906
Andrew J. Ollar, et al.,	November 15, 1906
Nellie C. Blakely, et al.,	November 14, 1906

Title of Case.	Date of your letter of transmittal.
Overton Martin Bonds, et al.,	January 14, 1907
John Lee Hunt,	December 20, 1906
Kathleen Lockett,	January 12, 1907
Thomas Rudolph Hamlin,	December 20, 1906
Mamie Dunagan,	January 12, 1907
William A. Gardner,	December 20, 1906
Sophia C. Harris, et al.,	December 20, 1906
Jesse Monroe Jones,	January 12, 1907
Bertie Cotton, et al.,	October 4, 1906
Maggie Irene Staleup,	November 22, 1906
L. Everet Parke, et al.,	November 22, 1906
Ella Florence Cochran,	October 2, 1906
Cleo Irene Cummings, et al.,	December 26, 1906
Tilden J. Smith,	November 21, 1906
Jewell Merryman,	November 21, 1906
Jim Costilow, et al.,	December 21, 1906
Lettie May Hickman, et al.,	December 24, 1906
Rue Colbert, et al.,	December 21, 1906
Matilda Florence,	June 20, 1906
Mary Jane Fulson, et al.,	June 18, 1906
Lee Keck, et al.,	October, 20, 1906
Magnolia Thompson,	November 21, 1906
John Hardy Sterling, et al.,	November 23, 1906
James Maberry Morse, Jr.,	January 16, 1907
James G. Shaw,	November 21, 1906
Sallie Engleman, et al.,	January 16, 1907
Fannie Pearl Beagles, et al.,	December 21, 1906
Thomas A. Fitzgerald, (Jr.)	December 21, 1906

A copy hereof and all the papers in the above mentioned Cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

44 inc. and
92 for Ind. Of.

AFMc
2-27-07

LAND
92939-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

C O P Y

February 19, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Lee Keck and Dee Keck as citizens of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, adverse to the applicants.

The record shows that on July 25, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of these applicants as citizens of the Choctaw Nation. The record further shows that Lee Keck and Dee Keck were born July 28, 1903 and October 25, 1904, respectively, and are the children of Annie Keck nee Kelly, who was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on April 30, 1904, and of John W. Keck, a non-citizen.

This case does not come within the Lula West case approved by the Department February 10, 1905, (I.T.D. 10353-1904), as the applicants did not have a tribal status in 1896.

By reason of the provisions of the Act of Congress approved April 26, 1906, (34 Stat. L., 137), the Office concurs in the decision

of Commissioner Bixby denying the enrollment of the applicants herein as citizens of the Choctaw Nation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBM-Lc..

23-933.

Muskogee, Indian Territory, April 5, 1907.

John W. Keck,

Chagris, Indian Territory.

Dear Sir:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of October 20, 1906, denying the application for the enrollment of Lee Keck and Dee Keck as citizens of the Choctaw Nation under the Act of Congress approved April 26, 1906.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

23-983.

Muskogee, Indian Territory, April 5, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of October 20, 1906, denying the application for the enrollment of Lee Keck and Dee Keck as citizens of the Choctaw Nation under the Act of Congress approved April 26, 1906.

Respectfully,

Geo. D. Rogers.

Acting Commissioner.

7-3404

Muskogee, Indian Territory, August 14, 1906.

John W. Kock,

Chagris, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of July 21, 1906, enclosing affidavits of Annie Kock and Cyntha Kelly to the birth of Lee Kock and Dee Kock, children of John W. and Annie Kock, July 28, 1903, and October 25, 1904, respectively; also marriage license and certificate between John W. Kock and Miss Annie Kelley.

Respectfully,

Commissioner.

Choc. Minor 984
ODES KINSEY
FANNY MAY KINSEY

M984

984

MINOR
CHOCTAW
ENROLLMENT

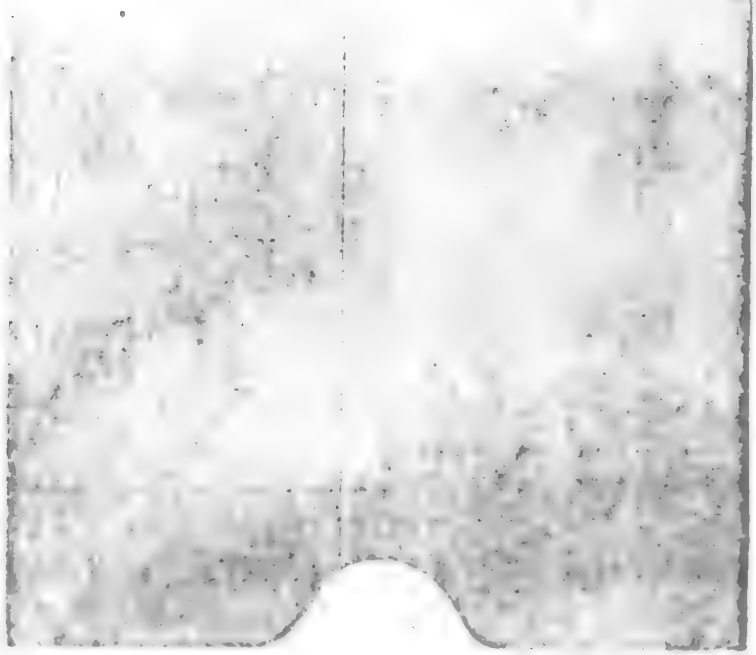
ODES KINSEY

FANNY MAY KINSEY

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26. 1906

Decision rendered Oct 20, 1906
Delivered Oct 20, 1906
Copy of decision forwarded
Attorneys for Choctaw and
Chickasaw Nations
Oct 20, 1906
Copy of decision forwarded
Applicant
Oct 20, 1906
Record forwarded Department
Oct 20, 1906
Action Approved by
Secretary of Interior
Feb 21, 1907
Notice of Assessment action
forwarded Attorneys for
Choctaw and Chickasaw
Nations April 18, 1907
(over)

984



NEW BORN # 984
190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Odes Kinsey

as a citizen of

Choctaw Nation.

Approved..... 190...

.....
Commissioner.

Born Apl. 27 1903
Act of Congress approved
April 26, 1906
Department of the Interior
Commissioner to the Five
Civilized Tribes.
Filed Aug. 15, 1906.

Tmas Bixby Commisioner

CHOCTAW RECEIVED JUL 24 1906
N. B. 984.

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Odas Kinsey [Here insert name of child], born on the 27 day of April 1903

Name of Father: Frances Kinsay a citizen of the Choctaw Nation.

Name of Mother: Emily A. Kinsey a citizen of the Choctaw Nation.

Tribal enrollment of father pending Tribal enrollment of mother pending

Postoffice Bohoshe I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Emila A. Kinsey on oath state that I am 25 years of age and a citizen by Marriage of the Choctaw Nation; that I am the lawful wife of Frances Kinsey, who is a citizen, by blood of the Choctaw Nation; that a boy [Male or Female] child was born to me on 27 day of April 1903; that said child has been named Odes Kinsey and was living March 4, 1906.

her
Emily A x Kinsey
mark

WITNESSES TO MARK:

[Must be Two Witnesses] M. A. Mayfield
(SEAL) P. F. Goddard

Subscribed and sworn to before me this 23 day of July 1906.

My commission expires Mar. 11 1909 (Signed) J. L. Lewis
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Hattie Mayfield, a Midwife, on oath state that I attended on Emily A. Kinsey, wife of Francis Kinsay, on the 27 day of April 1903, that there was born to her on said date a boy [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Odes Kinsey

(Signed) Hattie Mayfield

WITNESSES TO MARK:

[Must be Two Witnesses] .....
.....

Subscribed and sworn to before me this 23 day of July 1906.

(SEAL) My commission epxires Mar. 11, 1909 (Signed) J. L. Lewis
Milton I. Ty. Notary Public.

NEW BORN # 984

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....Fanny May Kinsey.....

as a citizen of

.....Choctaw..... Nation.

Approved..... 190...

.....

Commissioner.

Born May 18, 1905

Act of Congress approved
April 26, 1906
Department of the Interior
Commissioner to the Five
Civilized Tribes.
Filed Aug . 15 1906
Tams Bixby Commissioner.

CHOCTAW RECEIVED JUL 24 1906
N. B. 984.

(D)
BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Fanny May Kinsey [Here insert name of child], born on the 18 day of May 1905

Name of Father: Frances Kinses a citizen of the Choctaw Nation.

Name of Mother: Emily A. Kinsey a citizen of the Choctaw Nation.

Tribal enrollment of father pending Tribal enrollment of mother pending

Postoffice Bokoshe, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Emily A. Kinsey, on oath state that I am 25 years of age and a citizen by Marriage of the Choctaw Nation; that I am the lawful wife of Frances Kinsey, who is a citizen, by blood of the Choctaw Nation; that a girl [Male or Female] child was born to me on 18 day of May 1905; that said child has been named Fanny May Kinsey, and was living March 4, 1906.

(Singed) Emily A. her Mark Kinsey

WITNESSES TO MARK:

[Must be Two Witnesses]
N. A. Mayfield
P. F. Goddard

Subscribed and sworn to before me this 23rd day of July 1906.

(SEAL)
My commission expires Mar 11, 1909

(Signed) J. L. Lewis
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, T. L. Hodgecock, a physician, on oath state that I attended on Emily A. Kinsey, wife of Frances Kinsey, on the 18 day of May 1905; that there was born to her on said date a [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Fanny May Kinsey

(Signed) T. L. Hodgecock M. D.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 23 day of July 1906.

(SEAL)
My commission expires Mar 11, 1909

(Signed) J. L. Lewis
Notary Public.
Milton I. T.

23-984.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Odes Kinsey and Fanny May Kinsey as citizens of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on July 24, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Odes Kinsey and Fanny May Kinsey as citizens of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that Odes Kinsey and Fanny May Kinsey were born April 27, 1903, and May 18, 1905, respectively, and are the children of Frances Kinsey and Emily A. Kinsey, who were denied citizenship in the Choctaw Nation, as Francis Kinsey and Emila Kinsy, respectively, by the Choctaw and Chickasaw Citizenship Court on February 1, 1904, in case No. 13, on the South McAlester Docket thereof.

I am of the opinion that Odes Kinsey and Fanny May Kinsey are not entitled to enrollment as citizens of the Choctaw Nation, and that the application made for their enrollment as such should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

OCT 20 1906

23-984

Muskogee, Indian Territory, October 20, 1906.

Francis Kinsey,

Bokoshe, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Odes Kinsey and Fanny May Kinsey as citizens of the Choctaw Nation under the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Registered.

Incl. 23-984.

23-984

Muskogee, Indian Territory, October 2o, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Chootaw and Chickasaw Nations,

McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Odes Kinsey and Fanny May Kinsey as citizens of the Chootaw Nation under the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Registered.

Incl. 23-984.

Muskogee, Indian Territory, October 20, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Odee Kinsey and Fanny May Kinsey as citizens of the Choctaw Nation under the Act of Congress approved April 26, 1906, including the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, denying said application.

Respectfully,

SIGNED Tams Bixby

Commissioner.

23-964.

Through the
Commissioner of Indian Affairs.

K.L.M.

O.K.

DEPARTMENT OF THE INTERIOR,

D .C. 10926-1907. WASHINGTON.
I.T.D. 4100-1907.
L RS.

February 21, 1907.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

October 20, 1906, you transmitted the record in the matter of the application for the enrollment of Odes Kinsey and Fanny May Kinsey as citizens of the Choctaw Nation, together with your decision of the same date, denying said application.

Reporting February 18, 1907 (Land 92934-1906), the Indian Office concurs in your decision. A copy of its letter is enclosed.

Your decision is hefeby affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos Ryan.
First Assistant Secretary.

1 inc. and 2 inc. for Ind Office.

A F Mc
2-23-07.

Refer in reply to the
following.

DEPARTMENT OF THE INTERIOR,
D. C. 10926-1907.
OFFICE OF INDIAN AFFAIRS,
LAND
92934-1906. WASHINGTON.

February 18, 1907.

COPY
The Honorable,

The Secretary of the Interior

Sir:

There is enclosed herewith record of proceedings in the matter of the application for the enrollment of Odes Kinsey and Fanny May Kinsey as citizens of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, adverse to the applicants.

The record shows that on July 24, 1906 application was made to the Commissioner to the Five Civilized Tribes for the enrollment of these applicants as citizens of the Choctaw Nation. The record further shows that Odes Kinsey and Fanny May Kinsey were born April 27, 1903, and May 18, 1905, respectively, and are the children of Frances Kinsey and Emily A. Kinsey, who were denied citizenship in the Choctaw Nation as "Francis Kinsey" and "Emily Kinsey," respectively, by the Choctaw and Chickasaw Citizenship Court on February 1, 1904.

This case does not come within the Lula West case approved by the Department February 10, 1905, (I.T.D. 10353-1904).

By reason of the provisions of the Act of Congress approved April 26, 1906 (34 Stat.L., 137), the Office concurs in the decision of Commissioner Bixby denying the enrollment of the appli-

cants herein as citizens of the Choctaw Nation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBM-LC.

23-984

Muskogee, Indian Territory, April 13, 1907.

Francis Kinsey,

Bokoshe, Indian Territory.

Dear Sir:

You are hereby advised that on February 21 , 1907, the Secretary of the Interior affirmed the decision of this office of October 20, 1906, denying the application for the enrollment of Odes Kinsey and Fanny May Kinsey as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

23-904

Muskogee, Indian Territory, April 19, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 21, 1907, the Secretary of the Interior affirmed the decision of this office of October 20, 1906, denying the application for the enrollment of Odes Kinsey and Fanny May Kinsey as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

7-8886.

Muskogee, Indian Territory, August 15, 1906.

Frances Kinsey,

Bokoshe, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of the affidavits of Emily A. Kinsey and T. L. Hedgecock, M. D., to the birth of Fanny May Kinsey on May 18, 1905, and the affidavits of Emily A. Kinsey and Hattie Mayfield to the birth of Odes Kinsey on April 27, 1903.

Respectfully,

Commissioner.

Choc. Minor 985
John Herman Jackson

M985

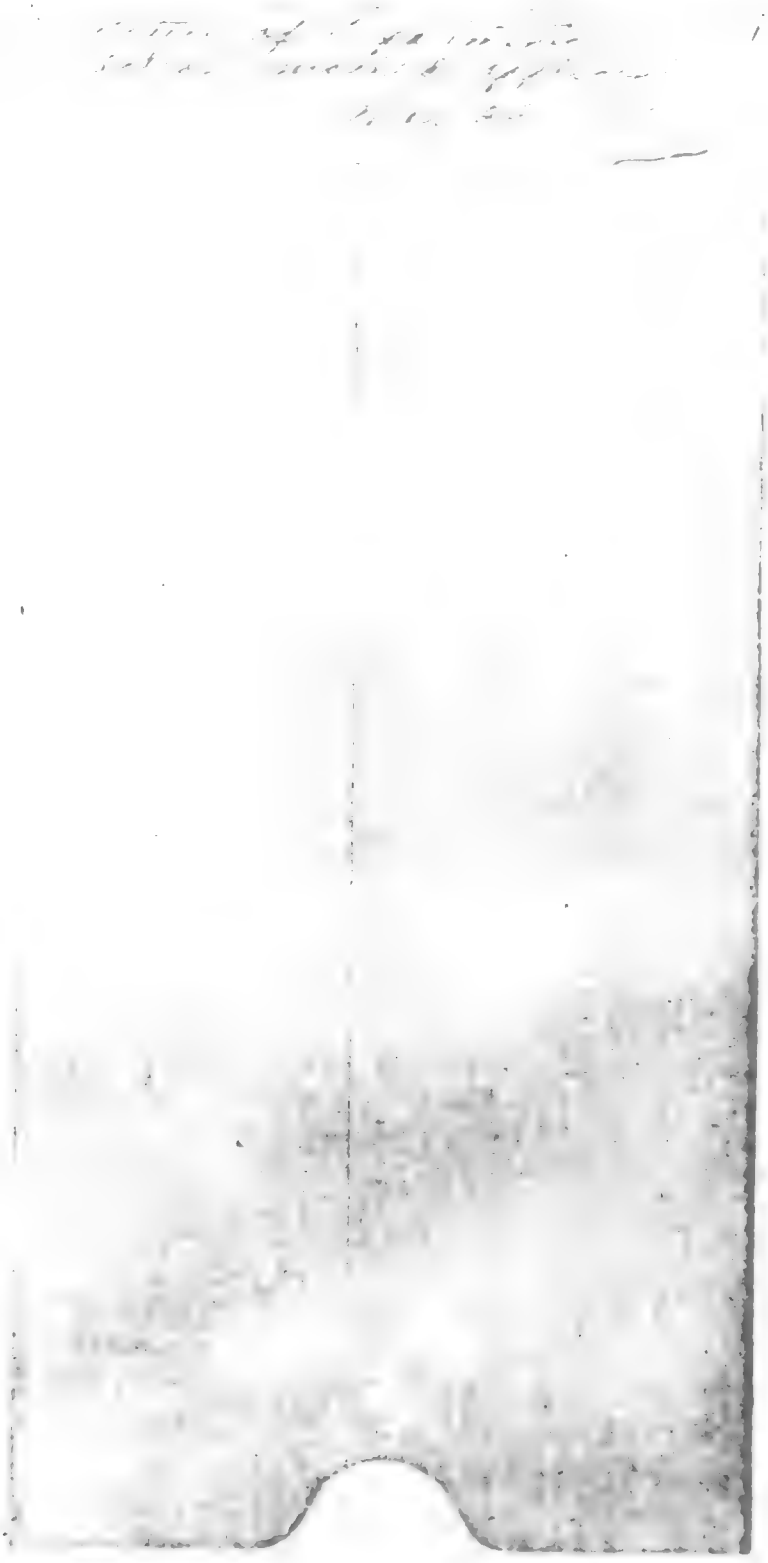
985

MINOR
CHOCTAW
ENROLLMENT

JOHN HERMAN JACKSON

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26, 1906

Application Oct 31, 1906
Copy of decision forwarded
Attorneys for Choctaw and
Chickasaw Nations
Oct 31, 1906
Copy of decision forwarded
Applicant Oct 31, 1906
Record forwarded Department
Oct 31, 1906.
Action approved by
Secretary of Interior
Feb 14, 1907
Notice of Departmental action
forwarded Attorneys for
Choctaw and Chickasaw
Nations 985 Mar 22, 1907



NEW BORN # 985

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Johnie Herman Jackson.....

as a citizen of

Choct..... Nation.

Approved..... 190...

.....
Commissioner.

Born Dec. 5,1902

Act of Co ngress approved April 26, 1906.
Department of the Interior
Commissio er to the Five Citilized Tribes.
F I L E D Jun 25 1906.
(signed) Tams Bixby Commissioner.

CHOCTAW N.B.985
RECEIV ED JUN 13 1906.

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of John Herman Jackson [Here insert name of child], born on the 5 day of Dec 1902

Name of Father George N Jackson a citizen of the intermarried Nation.

Name of Mother Connie Jackson(nee Hill) a citizen of the Choctaw Nation.

Tribal enrollment of father pending Tribal enrollment of mother pending

Postoffice Snead I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Connie Jackson, on oath state that I am 23 years of age and a citizen by blood of the Choctaw Nation; that I am the lawful wife of George N Jackson, who is a citizen, by intermarriage of the Chotaw Nation; that a male [Male or Female] child was born to me 5th day of Dec 1902; that said child has been named John Herman Jackson and was living March 4, 1906

(SEAL) Connie Jackson

WITNESSES TO MARK:

[Must be Two Witnesses] .....

.....

Subscribed and sworn to before me this 21 day of May 1906.

E. S. Davis
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, A.B Davis, physician, on oath state that I attended on Connie Jackson, wife of George N Jackson on the 5th day of Dec 1902; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named John Herman Jackson

A.B Davis

WITNESSES TO MARK:

[Must be Two Witnesses] .....

.....

Subscribed and sworn to before me this 22 day of May 1906.

(SEAL) My Com expires Oct. 21, 1909. E. S. Davis
Notary Public

23-985.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-:0:-

In the matter of the application for the enrollment of John Herman Jackson as a citizen of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that on June 13, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of John Herman Jackson as a citizen of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records of this office that John Herman Jackson was born December 5, 1902 and is the son of Connie Jackson (nee Hill) an alleged Choctaw by blood and George M. Jackson, a non-citizen and non-applicant either for enrollment as a citizen of the Choctaw Nation or for identification as a Mississippi Choctaw.

It appears from the records of the Commission to the Five Civilized Tribes that on September 9, 1896, in the case entitled "J. M. Hill, et al., vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, case number 1365) original application was made to said Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for the admission, among others, of the said Connie Jackson (nee Hill) as a citizen by blood of the Choctaw Nation and on December 8, 1896, the said Connie Jackson (nee Hill) was, by said Commission denied admission as a citizen by blood of the Choctaw Nation. From this decision of the Commission an appeal was taken to the United States Court for the Southern District of the Indian Territory, which court, in the case entitled "J. M. Hill et al., vs. Choctaw Nation" (Citizenship Case number 149) reversed the decision of the Commission denying the said Connie Jackson (nee Hill), among others, admission to citizenship of the Choctaw Nation and admitting said Connie Jackson (nee Hill) as a citizen by blood of the Choctaw Nation.

It further appears from the records in the possession of this office that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court created by the Act of Congress July 1, 1902 (32 Stats., 641), "set aside and held for naught" the aforesaid judgment of the United States Court for the Southern District of the Indian Territory. Said cause was not appealed to the Choctaw and Chickasaw Citizenship Court for a trial de novo within the time prescribed by the Act of Congress approved July 1, 1902 (32 Stats., 641).

It further appears from the records of this office that in accordance with the opinion of the Acting Attorney General dated May 9, 1904 (I.T.D. 3824-1904) and the opinion of the Assistant

Attorney General for the Department of the Interior dated July 30, 1904 (I.T.D. 5246-1904), the application for the enrollment of said Connie Jackson (nee Hill), among others, as a citizen of the Choctaw Nation was, on December 7, 1904, dismissed by the Commission to the Five Civilized Tribes.

I am of the opinion that John Herman Jackson is not entitled to enrollment as a citizen of the Choctaw Nation, and that his application for enrollment as such should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

OCT 31 1906

23-986

COPY

Muskogee, Indian Territory, October 31, 1906.

George W. Jackson,

Sneed, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 31, 1906, denying the application for the enrollment of your child, John Herman Jackson, as a minor citizen of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Registered.

Incl. 23-986

23-985

COPY.

Muskogee, Indian Territory, October 31, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 31, 1906, denying the application for the enrollment of John Herman Jackson, as a minor citizen of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby
Commissioner.

Registered.

Incl. 23-985.

Copy

Muskogee, Indian Territory October 31, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of John Herman Jackson, a minor citizen of the Choctaw Nation under the previsions of the Act of Congress approved April 26, 1906, including the decisio of the Commissioner to the Five Civil sed Tribes, dated October 31, 1906, denying said application.

Respectfully,

Tams Bixby
Commissioner.

23-865

Through the Commissioner
of Indian Affairs.

23-986

Muskogee, Indian Territory, March 22, 1907.

George M. Jackson,

Sneed, Indian Territory.

Dear Sir:

You are hereby advised that on February 14, 1907, the Secretary of the Interior affirmed the decision of this office of October 31, 1906, denying the application for the enrollment of your child, John Herman Jackson , as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

23-995

Muskogee, Indian Territory, March 22, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 14, 1907, the Secretary of the Interior affirmed the decision of this office of October 31, 1907, denying the application for the enrollment of John Herman Jackson as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

J. P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. THE.

D. C. 9316-1907.
I. T. D. 2962-1907.

February 14, 1907.

L. R. S.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

October 31, 1906, you transmitted the record in the matter of the application for the enrollment of John Herman Jackson as a citizen of the Choctaw Nation, including your decision of the same date, denying said application.

Reporting February 11, 1907 (Land 97034-06), the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

Your decision is hereby affirmed. The papers in the case and a carbon copy hereof have been sent to the IndianOffice.

Respectfully,

Thos Ryan,

1 inc. and 3 for Ind. Of. First Assistant Secretary.

A. F. Mc.

2-15-07.

(C O P Y)

Land:
97034-1906. 939/292.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFIARS,

WASHINGTON/ February 11, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letters of May 9, 1904 (I.T.D. 3824) and July 30, 1904 (I.T.D. 5246), there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated October 31, 1906, transmitting the record relative to the application of John Herman Jackson for enrollment as a citizen by blood of the Choctaw Nation.

On June 13, 1906, application was made to the commissioner for the enrollment of John Herman Jackson, a minor, as a citizen by blood.

On October 31, 1906, the Commissioner held that the applicant was not entitled to such enrollment.

The record shows that the applicant among others was denied enrollment by the Commission to the Five Civilized Tribes as a citizen by blood of the Choctaw Nation in view of the opinions of the Assistant Attorney General for the Department of May 9, 1904, and July 30, 1904.

The decision of the Commissioner adverse to the applicant is recommended for approval.

Very respectfully,
C. F. Larrabee,
Acting Commissioner.

HRD-Y.

7-5174

Muskogee, Indian Territory, June 22, 1906.

George N. Jackson,

Sneed, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Counie Jackson and A. B. Davis to the birth of John Herman Jackson, child of George N. and Counie Jackson, December 5, 1902.

Respectfully,

Commissioner.

MEMORANDA.

(Date) Aug 14 1899.

35 Name Crawford Cole

Choctaw? yes County Jackson Year 76 No. 2831

Chickasaw? County Year Page 67

Citizen by blood? yes Mother's citizenship Choc

Intermarried citizen?

Married under what law?

License filed this day.

16 Wife's name, Mary Cole

Choctaw? yes County Year No.

Chickasaw? County Year Page

Citizen by blood? yes Mother's citizenship yes

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

1 Can P.O. # 1100 - I. T. - Blue Co.
as Mary Hale

3394

Choc. Minor 986
Odis Harbolt
Sallie "

986M

986

MINOR

CHOCTAW

ENROLLMENT

ODIS HARBOLT

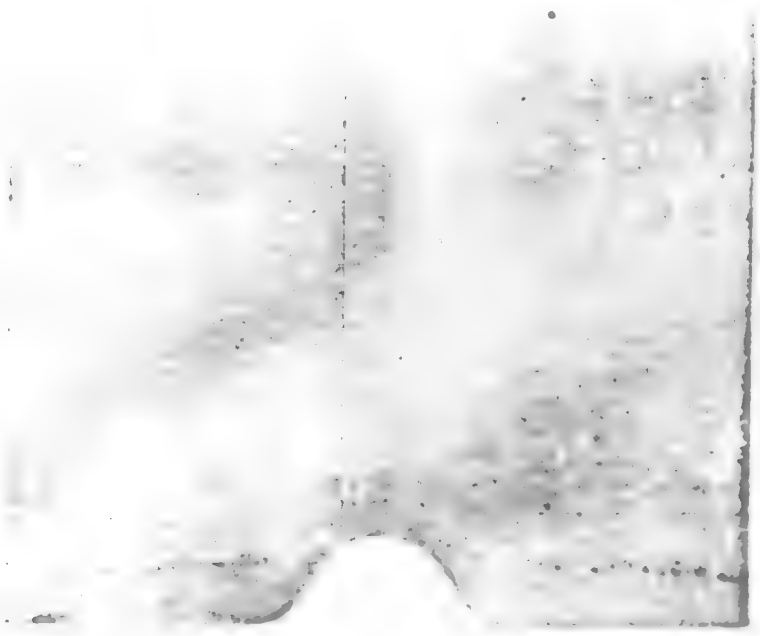
SALLIE "

A Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26, 1906

Decision Rendered Oct 20, 1906
Record Oct 20, 1906
Copy of Decision Forwarded
Citizenship for Choctaw and
Chickasaw nations
Oct 20, 1906.
Copy of Decision Forwarded
Applicant Oct 20, 1906
Record forwarded Department
Oct 20, 1906
Action approved by
Secretary of Interior
Feb 21, 1907

986

(Over)



NEW BORN #986

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....Odes Herbolt.....

as a citizen of

....Choctaw..... Nation.

Approved..... 190...

.....

Commissioner.

Born Sept 29 1902
Act of Congress approved
April 26, 1906
Department of the Interior
Commissioner to the Five Civilized Tribes
Filed Aug 14 1906
Tams Bixby Commissioner.

CHOCTAW RECEIVED JUL 23 1906
N. B 986

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN THE APPLICATION FOR ENROLLMENT as a citizen of the Choctaw Nation,

of Odis Harbolt, born on the 29 day of Sept. 1902

Name of Father W. H. Harbolt a citizen of the U. S. Nation.

Name of Mother Maggie Harbolt a citizen of the Choctaw Nation.

Tribal enrollment of father U. S. Tribal enrollment of mother Choctaw

Postoffice Byars, I T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, Maggie Harbolt on oath state that I am 34 years of age and a citizen by Blood of the Choctaw Nation; that I am the lawful wife of W. H. Harbolt, who is a citizen, by of the U S. of the Nation; that a Boy child was born to me on 29 day of Sept, 1902; that said child has been named Odis and was living March 4, 1906.

(SEAL)

x Maggie Harbolt

WITNESSES TO MARK:

[illegible]

Subscribed and sworn to before me this 19 day of July 1906.

(Signed) W. A. Smith
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MIDWIFE.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, Nancy Parks, a Midwife, on oath state that I attended on Maggie Harbolt, wife of W. H. Harbolt, on the 29 day of Sept 1902; that there was born to her on said date a Boy [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Odis Harbolt

(SEAL)

x nancy Park

WITNESSES TO MARK:

[illegible]

Subscribed and sworn to before me this 19 day of July 1906.

(Signed) W. A. Smith
Notary Public.

NEW BORN # 986
1906

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Sallie Harbolt

as a citizen of

Chcotaw Nation.

Approved..... 190...

.....
Commissioner.

Born Aug 19th 1904
Act of Congress approved
April 26, 1906
Department of the Interior
Commissioner to the Five Civilized Tribes

Filed Aug 14 1906

Tams Bixby Commissioner

CHOCTAW RECEIVED JUL 23 1906
N. B.986

BIRTH AFFIDAVIT 1904 6

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS. APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Sallie Harbolt, [Here insert name of child], born on the 19 day of August 1904

Name of Father: W. H. Harbolt a citizen of the U. S. Nation.

Name of Mother: Maggie Harbolt a citizen of the Choctaw Nation.

Tribal enrollment of father U. S. Tribal enrollment of mother Choctaw

Postoffice Byars I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Maggie Harbolt on oath state that I am 34 years of age and a citizen by Blood of the Choctaw Nation; that I am the lawful wife of W. H. Harbolt, who is a citizen, by of the U. S. Nation; that a Girl [Male or Female] child was born to me on 19 day of August 1904.; that said child has been named Sallie Harbolt and was living March 4, 1906.

(SEAL) (Singed) Maggie Harbolt

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 19 day of July 1906.

(Singed) W. A. Smith
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, G. L. Johnson, a Phyoian, on oath state that I attended on Maggie Harbolt, wife of W. H. Harbolt, on the 19 day of August 1904.; that there was born to her on said date a Girl [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Sallie Harbolt

(Signed) G. L. Johnson M. D.

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 19 day of July 1906.

(SEAL) (Signed) W. A. Smith
Notary Public.

23-986.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Odis Harbolt and Sallie Harbolt as citizens of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on July 23, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Odis Harbolt and Sallie Harbolt as citizens of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that Odis Harbolt and Sallie Harbolt were born September 29, 1902, and August 19, 1904, respectively, and are the children of Maggie Harbolt, who was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on October 20, 1904, in cases No. 100 and No. 115 on the Tishomingo Docket thereof, and W. H. Harbolt, a non-citizen and non-applicant, either for enrollment as a citizen of the Choctaw Nation or for identification as a Mississippi Choctaw.

I am of the opinion that Odis Harbolt and Sallie Harbolt are not entitled to enrollment as citizens of the Choctaw Nation, and that the application made for their enrollment as such should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

OCT 24 1906.

23-986

Muskogee, Indian Territory, October 20, 1906.

W. H. Harbolt,

Byars, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Odis Harbolt and Sallie Harbolt as citizens of the Choctaw Nation, under the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the same, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl. 23-986

23-986

Muskogee, Indian Territory, October 20, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Odis Harbolt and Sallie Harbolt as citizens of the Choctaw Nation, under the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby
Commissioner.

Registered.
Incl. 23-986.

Muskogee, Indian Territory, October 20, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Odie Harbolt and Sallie Harbolt as citizens of the Choctaw Nation, under the Act of Congress approved April 26, 1906, including the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, denying said application.

Respectfully,

Tams Bixby

Commissioner.

2 Incl. 23-986

Through the
Commissioner of Indian Affairs

K.L.M.
O.K.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

L. R. S.
D. C. 10934-1907
I. T. D. 4060-1907

February 21, 1907.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

October 20, 1906, you transmitted the record in the matter of the application for the enrollment of Odis Harbolt and Sallie Harbolt as citizens of the Choctaw Nation, together with your decision of the same date, denying said application.

Reporting February 18, 1907 (Land 22937-1906), the Indian Office concurs in your decision. A copy of its letter is enclosed.

Your decision is hereby affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos Ryan
First Assistant Secretary.

1 inc. and 2 inc.
for Ind. Of.

A.F.Mc
2-23-07

LAND
92937-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 18, 1907.

COPY

The Honorable.

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Odis Harbolt and Sallie Harbolt as citizens of the Choctaw Nation, including decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, adverse to the applicants.

The record shows that on July 23, 1906 application was made to the Commissioner to the Five Civilized Tribes for the enrollment of these applicants as citizens of the Choctaw Nation. The record further shows that Odis Harbolt and Sallie Harbolt were born September 29, 1902, and August 19, 1904, respectively, and are the children of Maggie Harbolt who was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on October 20, 1904, and of W. H. Harbolt, a non-citizen.

This case does not come within the Lula West case approved by the Department February 10, 1905, (I.T.D.10353-1904).

By reason of the provisions of the Act of Congress approved April 26, 1906, (34 Stat.L., 137), the Office concurs in the decision of Commissioner Bixby denying the enrollment of the applicants in this case as citizens of the Choctaw Nation.

Very respectfully,

C F Larrabee.

Acting Commissioner.

KBM-LC..

23-986

Muskogee, Indian Territory, April 17, 1907.

W. H. Harbolt,

Byars, Indian Territory.

Dear Sir:

You are hereby advised that on February 21, 1907, the Secretary of the Interior affirmed the decision of this office of October 20, 1906, denying the application for the enrollment of Odis Harbolt and Sallie Harbolt as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

28-986

Muskogee, Indian Territory, April 17, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 21, 1907, the Secretary of the Interior affirmed the decision of this office of October 20, 1906, denying the application for the enrollment of Odis Harbolt and Sallie Harbolt as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

7-3131

Muskogee, Indian Territory, August 14, 1906.

W. H. Harbolt,

Eyars, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of the affidavits of Maggie Harbolt and G. L. Johnson to the birth of Mallie Harbolt, child of W. H. and Maggie Harbolt, August 19, 1904; also affidavits of Maggie Harbolt and Nancy Parks to the birth of Otis Harbolt, child of W. H. and Maggie Harbolt, September 29, 1902.

Respectfully,

Commissioner.

Choc minor
M987

M987

987

MINOR

CHOCTAW

ENROLLMENT

BOK E. IVEY

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26. 1906

Decision Indian Oct 20, 1906
Returned Oct 20 1906
Copy of decision forwarded
Attorneys for Choctaw and
Chickasaw Nations
Oct 20, 1906
Copy of decision forwarded
applicant
Oct 20, 1906
Record forwarded Dist Registrar
Oct 20, 1906
Date approved by
Secretary of Interior
Feb 21, 1907
Notice of departmental action
forwarded Attorneys for
Choctaw and Chickasaw Nations
Nov 19 1907

987



BIRTH AFFIDAVIT 1 199 4

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Eck E Ivey [Here insert name of child], born on the 6 day of Feby 1904

Name of Father: Thomas L Ivey a citizen of the Choctaw Nation.

Name of Mother: Lou H. Ivey a citizen of the by Marriage Nation.

Tribal enrollment of father: Panding Tribal enrollment of mother

Postoffice Roff I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Lou H. Ivey on oath state that I am 27

years of age and a citizen by Miarage of the Choctaw Nation;

that I am the lawful wife of Thomas L Ivey, who is a citizen, by

Blood of the Choctaw Nation; that a Male [Male or Female] child was

born to me on 6 day of Feby 1904.; that said child has been named

Eck E Ivey and was living March 4, 1906.

(Signed) lou H. ivey

WITNESSES TO MARK:

(SEAL)

[Must be Two Witnesses] }

Subscribed and sworn to before me this 23 day of July 1906.

(Signed) John A. Clark

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, C. E. Logan, a Physician, on oath state that I

attended on Lou H Ivey, wife of Thomas L Ivey

on the 6 day of Feby 1904; that there was born to her on said date a Male [Male or Female]

child; that said child was living March 4, 1906, and is said to have been named

Eck E Ivey

(Signed) C. E. Logan M. D.

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 23 day of July 1906.

(SEAL)

(Signed) John A. Clark

Notary Public.

23-987.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Eck E. Ivey as a citizen of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on July 25, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Eck E. Ivey as a citizen of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that Eck E. Ivey was born February 6, 1904, and is the son of Thomas L. Ivey, who was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on November 28, 1904, in Case No. 75 on the Tishomingo Docket thereof, and Lou E. Ivey, a non-citizen and non-applicant, either for enrollment as a citizen of the Choctaw Nation or for identification as a Mississippi Choctaw.

I am of the opinion that Eck E. Ivey is not entitled to enrollment as a citizen of the Choctaw Nation, and that the application made for his enrollment as such should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

_____.

23-987.

Muskogee, Indian Territory, October 20, 1906.

Thomas L. Ivey,

Boff, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Rok R. Ivey as a citizen of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Registered.

Incl. 23-987.

23-987.

Muskogee, Indian Territory, October 20, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Eok R. Ivey as a citizen of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 23-987.

Muskogee, Indian Territory, October 20, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Rex E. Ivey as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, denying said application.

Respectfully,

Tams Bixby

Commissioner.

2 Incl. 23-987.

Through the
Commissioner of Indian Affairs.

KLM
LLE.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

DC-10927-1907.
I.T.4104-1907.

February 21, 1907.

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

October 20, 1906, you transmitted the record in the matter of the application for the enrollment of Eck E. Ivey as a citizen of the Choctaw Nation, including your decision of the same date, adverse to the applicant.

Reporting February 18, 1907 (Land 92940-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

1 inc. and 2 to Ind. Of.

AFMc
2-23-07

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

DC-10927-1907
Land
92940-1906.

February 18, 1907.

C O P Y

The Honorable,

The Secretary of the Interior.

Sir :

There is enclosed the record of proceedings in the matter of the application for the enrollment of Hok E. Ivey as a citizen of the Choctaw Nation, including decision of Commissioner to the Five Civilized Tribes, dated October 20, 1906, adverse to the applicant.

The record shows that on July 25, 1906 application was made to the Commissioner to the Five Civilized Tribes for the enrollment of the applicant as a citizen of the Choctaw Nation. The record further shows that the applicant was born February 6, 1904, and that he is a son of Thomas L. Ivey, who was denied citizenship in the Choctaw and Chickasaw Citizenship Court on November 28, 1904, and of Lou E. Ivey, a non citizen .

The case does not come with the Imla West case approved by the Department February 10, 1905, (I.T.D.10363-1904).

By reason of the provisions of the Act of Congress approved April 26, 1906, (34 Stat.L., 137), the Office concurs in the decision of Commissioner Bixby denying the enrollment of this applicant as a citizen of the Choctaw Nation.

Very respectfully,

C F Larrabee.

Acting Commissioner.

KEM-LC..

23-1907

Muskogee, Indian Territory, April 19, 1907.

Thomas L. Ivey,

Roff, Indian Territory.

Dear Sir:

You are hereby advised that on February 21, 1907, the Secretary of the Interior affirmed the decision of this office of October 20, 1906, denying the application for the enrollment of Bok E. Ivey as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

23-987

Muskogee, Indian Territory, April 19th, 1907.

Mansfield, McMurray & Cormish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 21, 1907, the Secretary of the Interior affirmed the decision of this office of October 20, 1906, denying the application for the enrollment of Bok E. Ivey as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

7-4937

Muskogee, Indian Territory, August 7, 1906.

Thomas L. Ivey,
Reff, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of the affidavits of Lou M. Ivey and C. E. Logan to the birth of Rok E. Ivey, child of Thomas L. and Lou M. Ivey, February 6, 1904.

Respectfully,

Commissioner.

Chcc. Minor 988

Verda Mildred Jelks

M988

988

MINOR
CHOCTAW
ENROLLMENT

VERDA MILDRED JELKS

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26, 1906

Decision Final: Oct 20, 1906
Issued: Oct 20, 1906
Copy of decision forwarded
U.S. Supt. for Choctaw and
Chickasaw Nations
Oct 20, 1906
Copy of decision forwarded
Applicant Oct 20, 1906
Card forwarded Department
Oct 20, 1906
Copy of decision forwarded
attorney for applicant
Oct 20, 1906
Application withdrawn by
Secretary of Interior
Case closed

988

Feb 21, 1907



Minor

~~NEW BORN~~ 988

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

...Verda Mildred Jelks.....

as a citizen of

Choctaw ..... Nation.

Approved..... 190...

.....

Commissioner.

Born Feb. 10, 1905

Act of Congress approved April 26, 1906

Department of the Interior
Commissioner to the Five
Civilized Tribes.
Filed Jul 20, 1906
Tams Bixby Commissioner.

CHOCTAW RECEIVED JUL 5, 1906
N. B. 988.

BIRTH AFFIDAVIT

19

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Verda Mildred Jelks (Here insert name of child), born on the 10 day of February 1905

Name of Father: Walter T. Jelks a citizen of the Choctaw Nation.

Name of Mother: Caroline E. Jelks a citizen of the Choctaw Nation.

Tribal enrollment of father..... Tribal enrollment of mother.....

Postoffice.....

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Caroline E. Jelks on oath state that I am Twenty years of age and a citizen by Blood of the Choctaw Nation; that I am the lawful wife of Walter T. Jelks, who is a citizen, by intermarriage of the Choctaw Nation; that a female (Male or Female) child was born to me on 10th day of February 1905; that said child has been named Verda Mildred Jelks and was ~~living March 4, 1906~~ is now living

(SEAL) (Signed) Caroline E. Jelks

WITNESSES TO MARK:

[Must be Two Witnesses] .....

.....

Subscribed and sworn to before me this 29th day of April 1906.

(Signed) B.B. Barefoot

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Minnie Crew, a as midwife, on oath state that I attended on Caroline E. Jelks, wife of Walter T. Jelks on the 10th day of February 1905; that there was born to her on said date a female (Male or Female) child; that said child ~~was living March 4, 1906~~ is now living, and is said to have been named Verda Mildred Jelks

.....

(Signed) Minnie Crew

WITNESSES TO MARK:

[Must be Two Witnesses] .....

.....

Subscribed and sworn to before me this 3rd day of July 1906.

(SEAL) (Signed) B. B. Barefoot

Notary Public.

23-988.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Verda Mildred Jelks as a citizen of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on July 5, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Verda Mildred Jelks as a citizen of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that the applicant, Verda Mildred Jelks, was born February 10, 1905, and is the daughter of Caroline E. Jelks, who was denied citizenship in the Choctaw Nation, as Caroline E. Neely, by the Choctaw and Chickasaw Citizenship Court on October 20, 1904, in Case No. 79 on the South McAlester Docket thereof, and Walter T. Jelks, a non-citizen and non-applicant, either for enrollment as a citizen of the Choctaw Nation or for identification as a Mississippi Choctaw.

I am of the opinion that Verda Mildred Jelks is not entitled to enrollment as a citizen of the Choctaw Nation, and that the application for her enrollment as such should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

OCT 2[illegible]

23-988.

Muskogee, Indian Territory, October 20, 1906.

Walter T. Jelks,

Marlow, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Verda Mildred Jelks as a citizen of the Chickasaw Nation under the provisions of the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Registered.

Incl. 23-988.

23 988.

Muskogee, Indian Territory, October 20, 1906.

Barefoot & Carmichael,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Verda Mildred Jelks as a citizen of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Registered.

Incl. 23-988.

23-988.

Muskogee, Indian Territory, October 20, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Verda Mildred Jelks as a citizen of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Inel. 23-988.

Muskogee, Indian Territory, October 20, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Verda Mildred Jelks as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, denying said application.

Respectfully,

Commissioner.

2 Incl. 23-288.

Through the
Commissioner of Indian Affairs.

23-988

K.L.M.

O. K.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

D. C. 10935-1907
I. T. D. 4078-1907

February 21, 1907.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

October 20, 1906, you transmitted the record in the matter of the application for the enrollment of Verda Mildred Jelks as a citizen of the Choctaw Nation, together with your decision of the same date, denying said application.

Reporting February 18, 1907 (Land 9228-1906), the Indian Office concurs in your decision. A copy of its letter is enclosed.

Your decision is hereby affirmed.

The papers in the case, and a carbon copy hereof, have been sent to the Indian Office.

Respectfully,

Thos Ryan
First Assistant Secretary

1 inc. and 2 inc.
for Ind. Of.
A.F.Mc
2-23-07

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS
WASHINGTON.

LAND
92928-1906

February 16, 1907.

C O P Y

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed record of proceedings in the matter of the application for the enrollment of Verda Mildred Jolks as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, adverse to the applicant.

The record shows that on July 5, 1906 application was made to the Commissioner to the Five Civilized Tribes for the enrollment of the applicant herein as a citizen of the Choctaw Nation. The record further shows that this applicant was born February 10, 1905, and is the daughter of Careline E. Jolks who was denied citizenship in the Choctaw Nation as "Careline E. Neely," by the Choctaw and Chickasaw Citizenship Court on October 20, 1904, and Walter T. Jolks, a non-citizen.

This case does not come within the Lula West case approved by the Department February 10, 1905, (I. T. D. 10353-1904).

By reason of the provisions of the Act of Congress approved April 26, 1906, (34 Stat.L., 137), the Office concurs in the decision of Commissioner Bixby denying the enrollment of the applicant herein as a citizen of the Choctaw Nation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MBM-LC.

23-988

Muskogee, Indian territory, April 17, 1907.

Walter T. Jolks,

Marlow, Indian territory.

Dear Sir:

You are hereby advised that on February 21, 1907, the Secretary of the Interior affirmed the decision of this office of October 20, 1906, denying the application for the enrollment of Verda Mildred Jolks as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

23-985

Muskogee, Indian Territory, April 17 1907.

Barefoot & Carmichael,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

You are hereby advised that on February 2[illegible], 1906, the Secretary of the Interior affirmed the decision of this office of October 20, 1906, denying the application for the enrollment of Verda Mildred Jelks as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

23-983

Muskogee, Indian Territory, April 17, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 21, 1907, the Secretary of the Interior affirmed the decision of this office of October 20, 1906, denying the application for the enrollment of Verda Mildred Jelks as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

A

Chickasha, Ind.Ter. July 3rd 1906.

Hon. Commissioner to the Five Civilized Tribes,

Muskogee Ind. Ter.

Dear Sir:

We herewith enclose application for enrollment of Verda Mildred Jelks, infant child of Walter T. and Caroline E. Jelks (Nee Neely)

Yours very truly,

B. B. B.

Barefoot & Carmichael

7-4291.

Muskogee, Indian Territory, July 19, 1906.

Barefoot & Carmichael,

Chickasha, Indian Territory.

Dear Sirs:-

Receipt is hereby acknowledged of your letter of July 3, 1906, enclosing affidavits of Caroline E. Jelks and Minnie Crow to the birth of Verda Mildred Jelks, child of Walter T. and Caroline E. Jelks, February 10, 1906.

Respectfully,

Commissioner.

Choc. Minor 989

Bonnie Melvina Ferguson

M989

989

MINOR

CHOCTAW

ENROLLMENT

BONNIE MELVINA FERGUSON

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26. 1906

Decision Rendered Oct 20, 1906
Refused Oct 20, 1906
Copy of Decision Forwarded
Attorneys for Choctaw
and Chickasaw Nations
Oct 20, 1906
Copy of Decision Forwarded
Applicant Oct 20, 1906
Decision forwarded Department
Oct 20, 1906
989 Feb 21, 1907

Value of Experimental Station
Recorded Stamp for
Certificate Purchased
[illegible] Apl 11, 1907.

Value of Experimental
Station Recorded. Applicant
Apl 11 1907

NEW BORN 989 .

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

.....Bonnie..Melvina..Fergusson

as a citizen of

.....Choctaw..... **Nation.**

Approved..... **190**...

.....

Commissioner.

Born Oct. 31, 1905.

Act of Congress approved April 26, 1906.
Department of the Interior
Commissioner to the Five Civilized Tribes.

F I L E D May 11 1906.
(Signed) Tams Bixby Commissioner.
Choctaw N.B. 989.
Received May 8, 1906.
Duncan I.T.

BIRTH AFFIDAVIT 195

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Bonnie Melvina Ferguson [Here insert name of child], born on the 31 day of October 1905.

Name of Father John Talton Ferguson a citizen of the U. S. Nation.

Name of Mother: Nancy E. Ferguson a citizen of the Choctaw Nation.

Tribal enrollment of father Tribal enrollment of mother Court Citizen (dau/ John N. Sanders)

Postoffice Hope I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, Southern District.

I, Nancy E. Ferguson on oath state that I am 16 years of age and a citizen by blood of the Choctaw Nation; that I am the lawful wife John Talton Ferguson, who is a citizen, by of the U. S. Nation; that a female [Male or Female] child was born to me on 31st day of October 1905.; that said child has been named Bonnie Melvina Ferguson and was living March 4, 1906 and is now present

Nancy E Ferguson

WITNESSES TO MARK:

[Must be Two Witnesses] (SEAL)

Subscribed and sworn to before me this 8 day of May 1906.

D Conway Lloyd
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, Southern District.

I, Mollie Howard, a Midwife, on oath state that I attended on Nancy E Ferguson, wife of John Talton Ferguson on the 31st day of October 1905.; that there was born to her on said date a female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Bonnie Melvina Ferguson

Mollie her X Howard mark

WITNESSES TO MARK:

[Must be Two Witnesses] J. T. Hookman (SEAL)
Ve ster W Rose

Subscribed and sworn to before me this 8 day of May 1906.

D Conway Lloyd
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Duncan, Indian Territory,
May 8, 1906.

-oOo-

In the matter of the application for the enrollment of Bonnie Melvina Ferguson as a citizen by blood of the Choctaw Nation.

-oOo-

Martha C. Sanders, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER.

Q What is your name? A Martha C. Sanders.
Q What is your post office address? A Hope, Indian Territory.
Q Do you know Nancy E. Ferguson? A Yes, sir.
Q Is she your daughter? A Yes, sir.
Q And sister of Winnie Rachel Rogers? A Yes, sir.
Q Do you know when she was married? A Yes, sir.
Q To whom was she married? A ~~M~~ John Talton Ferguson.
Q Is ~~she~~ he a white man? A Yes, sir.
Q When was she married? A 9th day of December, 1904.
Q Were you present when she was married? A Yes, sir.
Q Where was she married? A At my house?
Q Married by a preacher? A Yes, sir.
Q What was the name of the preacher? A Garvin, I believe.
Q Have they lived together as husband and wife since then? A Yes.

Witness excused.

Mollie Howard, being duly sworn, testified as follows:

Q What is your name? A Mollie Howard.
Q Do you know Nancy E. Ferguson? A Yes, sir.
Q Do you know to whom she was married? A John Talton Ferguson.
Q What was her name before she was married? A Nancy E. Sanders.
Q Were you present when she was married? A Yes, sir.
Q Who married them? A I don't know.
Q Were they married by a minister of the Gospel? A Yes, sir
Q Where were they married? A At Hope, Indian Territory.
Q Do you know whether they have lived together as husband and wife since then? A Yes, sir; they have .

Witness excused.

John N. Sanders, after being duly sworn, testified as follows:

Q What is your name? A John N. Sanders.
Q What is your post office address? A Hope, Indian Territory.
Q Do you claim any right as a citizen by blood? A Yes, sir.
Q Is your application for enrollment still pending? A Yes, sir.
Q Was application made for Nancy E. Sanders? A Yes, sir.
Q And her case is still pending? A Yes, sir.
Q Her mother, Martha Sanders, is a white woman? A Yes, sir.

Q She claims no right only by intermarriage? A No, sir.

Witness excused.

Vester W. Rose, stenographer to the Commissioner to the Five Civilized Tribes, states on oath that he reported the above and foregoing proceedings on the 8th day of May, 1906, and that the same is a true and correct transcript of his stenographic taken therein.

Vester W Rose

Subscribed and sworn to before me this 8th day of May, 1906.

Hamway Kloyd

Notary Public.

23-989.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Bonnie Melvina Ferguson as a citizen of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that application was made at Duncan, Indian Territory, on May 8, 1906, to the Commissioner to the Five Civilized Tribes for the enrollment of Bonnie Melvina Ferguson as a citizen of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that the applicant, Bonnie Melvina Ferguson, was born October 31, 1905, and is the daughter of Nancy E. Ferguson, who was denied citizenship in the Choctaw Nation, as Money Ellen Sanders, or Nancy Ellen Sanders, by the Choctaw and Chickasaw Citizenship Court on November 29, 1904, in case number 73 on the Tishomingo Docket thereof, and John Talton Ferguson, a non-citizen and non-applicant, either for enrollment as a citizen of the Choctaw Nation or for identification as a Mississippi Choctaw.

I am of the opinion that the applicant, Bonnie Melvina Ferguson, is not entitled to enrollment as a citizen of the Choctaw Nation, and that the application for her enrollment as such should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

_____.

23-989.

Muskogee, Indian Territory, October 20, 1906.

John Fulton Ferguson,

Hope, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Bonnie Melvina Ferguson as a citizen of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1 06.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl. 23-989.

23-989.

Muskogee, Indian Territory, October 20, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Bonnie Melvina Ferguson as a citizen of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED
Commissioner.

Incl. 23-989.

Muskogee, Indian Territory, October 20, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Bonnie Melvina Ferguson as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, denying said application.

Respectfully,

Tams Bixby

Commissioner.

2 Incl. 23-989.

Through the
Commissioner of Indian Affairs.

JWJr.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

R. C. 10938-1907.
I. T. D. 4088-1907.
L.R.S.

Direct.

February 21, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

October 20, 1906, you transmitted the record in the matter of the application for the enrollment of Bennie Melvina Ferguson as a citizen of the Choctaw Nation, including your decision of the same date, adverse to the applicant.

Reporting February 18, 1906(7) (Land 22941-1906), the Indian Office recommended that your decision be approved. a copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos Ryan
First Assistant Secretary.

1 inc. and 2 to Ind. Of.

A.P.Mc
2-23-07.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND
92941-1906.

C O P Y

February 18, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed record of proceedings in the matter of the application for the enrollment of Bonnie Melvina Ferguson as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, adverse to the applicant.

The record shows that on May 8, 1906 application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Bonnie Melvina Ferguson as a citizen of the Choctaw Nation. The record further shows that the applicant was born October 31, 1905, and is the daughter of Nancy E. Ferguson, who was denied citizenship in the Choctaw Nation as "Nancy Ellen Sanders," or "Nancy Ellen Sanders," by the Choctaw and Chickasaw Citizenship Court on November 29, 1904, and of John Talton Ferguson, a non-citizen.

This case does not come within the Lula West case approved by the Department February 10, 1905, (I.T.D.10383-1904).

By reason of the provisions of the Act of Congress approved April 26, 1906,(34 Stat.,L.,137), the Office concurs in the decision of Commissioner Bixby denying the enrollment of the applicant herein as a citizen of the Choctaw Nation.

Very respectfully,

Acting Commissioner

23-989

Muskogee, Indian Territory, April 18, 1907.

John Walton Ferguson,

Hope, Indian Territory.

Dear Sir:

You are hereby advised that on February 21, 1907, the Secretary of the Interior affirmed the decision of this office of October 20, 1906, denying the application for the enrollment of Bonnie Melvina Ferguson as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

23-069

Muskogee, Indian Territory, April 18, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 21, 1907, the Secretary of the Interior affirmed the decision of this office of October 20, 1906, denying the application for the enrollment of Bonnie Melvina Ferguson as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

Choc. Minor 990
Mary Elizabeth Goins

M990

990

MINOR

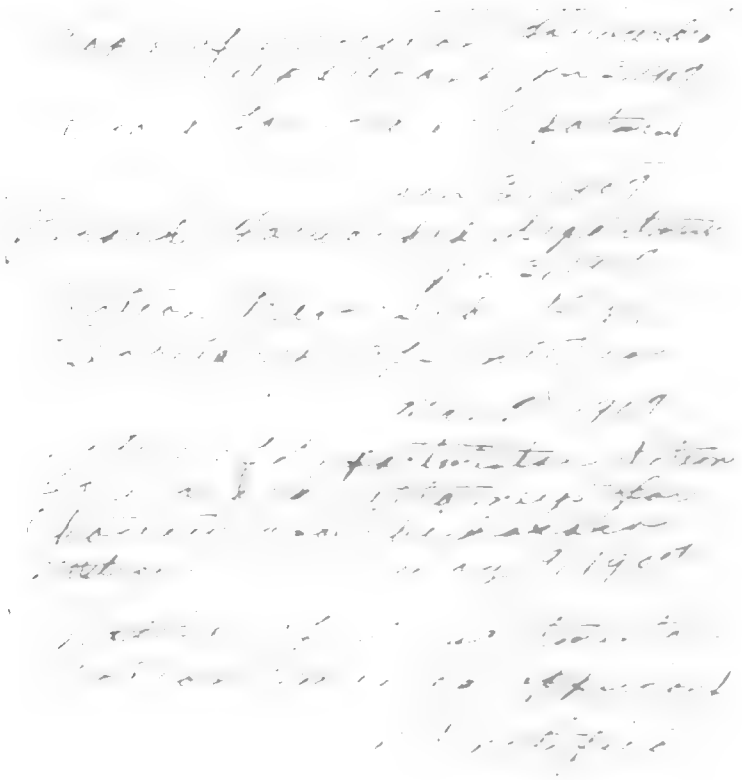
CHOCTAW

ENROLLMENT

MARY ELIZABETH GOINS

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26. 1906

990



#

NEW BORN 990

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906

Mary Elizabeth Goins

as a citizen of

CHOCTAW Nation.

Approved ..... 190...

.....

Commissioner.

Born June 4, 1905

Act of Congress approved
April 26, 1906

Department of the Interior
Commissioner to the Five
Civilized Tribes.
Filed Jun 23 1906
Tams Bixby Commissioner

CHOCTAW RECRIVED JUN 6, 1906
N. B. 990

BIRTH AFFIDAVIT

217

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

~~APPLICATION OF MEMBER ... NOVEMBER, 1902.~~

IN THE APPLICATION FOR ENROLLMENT as a citizen of the Cherokee Nation,

of Mary Elizabeth Goins, born on the 4 day of June 1905

(Give Christian name of child)

Name of Father: William Goins a citizen of the Cherokee Nation,

Name of Mother: Nancy A Goins a citizen of the United States,

~~Official appointment of father~~ Tribal enrollment of mother

Postoffice Stigler I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Nancy A. Goins on oath state that I am 27 years of age and a citizen by United States of the Nation; that I am the lawful wife of William Goins, who is a citizen, by Blood of the Cherokee Nation; that a Female child was born to me on 4 day of June, 1905; that said child has been named Mary Elizabeth Goins, and was living March 4, 1905.

(SEAL)

(Signed) Nancy A. Goins

WITNESSES TO MARK:

[Must be two witnesses.]

Subscribed and sworn to before me this 4th day of June 1906.

(Signed) David H. Brown
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MIDWIFE.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, E. E. Russell, a M. D. on oath state that I attended on Mrs Nancy A. Goins, wife of William Goins on the 4 day of June, 1905, that there was born to her on said date a female child (State sex of child) that said child was living March 4, 1905, and is said to have been named Mary Elizabeth Goins

(Signed) E. E. Russell, M. D.

WITNESSES TO MARK:

[Must be two witnesses.]

(SEAL)

Subscribed and sworn to before me this 4 day of June 1906.

(Signed) David H. Brown
Notary Public.

By Com Ex Feb 14/ 910

23-990.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Elizabeth Goins as a citizen of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on June 6, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Mary Elizabeth Goins as a citizen of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that Mary Elizabeth Goins was born June 4, 1906, and is the daughter of William Goins, who was denied citizenship in the Choctaw Nation on June 29, 1904, by the Choctaw and Chickasaw Citizenship Court in Case No. 11 on the Tishomingo Docket thereof, and Nancy A. Goins, a non-citizen and non-applicant either for enrollment as a citizen of the Choctaw Nation or for identification as a Mississippi Choctaw.

I am of the opinion that Mary Elizabeth Goins is not entitled to enrollment as a citizen of the Choctaw Nation, and that the application for her enrollment as such should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

_____.

13-990

Muskogee, Indian Territory, November 13, 1906.

The Commissioner
of Indian Affairs.

Sir:

October 20, 1906, the record in the matter of the application for the enrollment of Mary Elizabeth Goins as a minor citizen of the Choctaw Nation under the act of Congress approved April 26, 1906, was transmitted to the Department through the Commissioner of Indian Affairs with the decision of that date denying said application.

The application for the enrollment of this child was refused for the reason that the father, William Goins, was identified as a William Goins, who had been denied by the Choctaw and Chickasaw Citizenship Court, but a letter has recently been received from William Goins, the father of this child, in which he states that he is the William Goins whose name appears at No. 7425 upon the approved roll of citizens by blood of the Choctaw Nation.

I have therefore to request that the record in this case be returned for readjudication in accordance with the additional information now in the possession of this office.

Respectfully,

Commissioner.

23-990.

Muskogee, Indian Territory, October 20, 1906.

William Goins,

Stigler, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Mary Elizabeth Goins as a citizen of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Registered.

Incl. 23-990.

23-990.

Muskogee, Indian Territory, October 20, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Mary Elizabeth Goins as a citizen of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 23-990.

Muskogee, Indian Territory, October 20, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Mary Elizabeth Goins as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, denying said application.

Respectfully,

Commissioner.

2 Incl. 23-900.

Through the
Commissioner of Indian Affairs.

23-990

Muskogee, Indian Territory, November 13, 1906.

William Goins,

Stigler, Indian Territory.

Dear Sir:

Your letter of October 26, 1906, addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you refer to the right of Mary Elizabeth Goins to enrollment as a minor citizen of the Choctaw Nation under the act of Congress approved April 26, 1906. Receipt is also acknowledged of your letter of October 26, 1906, addressed to this office upon the same date, therein you state that you are enrolled as a citizen by blood of the Choctaw Nation and that your name appears at No. 7425; that you are the father of Mary Elizabeth Goins whose enrollment as a minor citizen of the Choctaw Nation under the act of Congress approved April 26, 1906, was denied October 20, 1906.

In reply to your letter you are advised that the father of Mary Elizabeth Goins referred to in your letter was identified as William Goins who had been denied by the Choctaw and Chickasaw Citizenship court and the application for her enrollment as a minor citizen of the Choctaw Nation under the act of Congress approved

W. G. #2

April 26, 1906, was accordingly denied on October 20, 1906, and the record was on that date transmitted to the Secretary of the Interior.

Inasmuch as it appears that you are an enrolled citizen by blood of the Choctaw Nation and the identification was in error the return of the record in this case has been requested in order that the same may be readjudicated.

The matter of the patents referred to in your letter has been made the subject of a separate communication.

Respectfully,

Commissioner.

23-990.
O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Elizabeth Goins as a citizen by blood of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on June 6, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Mary Elizabeth Goins as a citizen by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

On October 20, 1906, the Commissioner to the Five Civilized Tribes rendered his decision therein denying said application, for the reason that William Goins, who was identified as the father of said applicant, had been denied citizenship in the Choctaw Nation on June 29, 1904, by the Choctaw and Chickasaw Citizenship Court in case No. 31 on the Tishomingo Docket thereof, and Nancy A. Goins, who was identified as the mother of said child, was a non-citizen and non-applicant, either for enrollment as a citizen of the Choctaw Nation or for identification as a Mississippi Choctaw.

It appears, however, that the father of said child is William Goins, whose name appears as No. 7425 upon the final roll of citizens by blood of the Choctaw Nation approved by the Secretary of the Interior January 17, 1903, and that the mother of said child is Nancy A. Goins, whose application for enrollment as a citizen by intermarriage of the Choctaw Nation was denied by the Commission to the Five Civilized Tribes October 10, 1903, and approved by the Secretary of the Interior April 30, 1904 (I.T.D. 2990-1904), for the reason that the said Nancy A. Goins had a living husband from whom she had never been divorced at the time of her marriage to said William Goins.

It does not appear from the record herein or from the records in the possession of this office that said Nancy A. Goins has ever been remarried to William Goins since the date of their original marriage.

Section Two of the Act of Congress approved April 26, 1906 (34 Stats., 137), provides:

> "That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof, and for the purpose of enrollment under this section illegitimate children shall take the status of the mother, and allotments shall be made to children so enrolled."

I am, therefore, of the opinion that the application for the enrollment of Mary Elizabeth Goins as a citizen by blood of the Choctaw Nation should be denied, under the provisions of the Act of Congress above quoted, and that the decision of the Commissioner to the Five Civilized Tribes of October 20, 1906, denying said application, should be rescinded, and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

DEC 31 1906

23-990

COPY.

Muskogee, Indian Territory, January 3, 1907.

William Goins,

Stigler, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes rendered December 31, 1906, denying the application for the enrollment of Mary Elizabeth Goins as a citizen of the Choctaw Nation under Section Two of the Act of Congress approved April 26, 1906 (34 Stat., 137).

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl. 23-990.

23-990

COPY.

Muskogee, Indian Territory, January 3, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes rendered December 31, 1906, denying the application for the enrollment of Mary Elizabeth Goins as a citizen of the Choctaw Nation under Section Two of the Act of Congress approved April 26, 1906 (34 Stat., 137).

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Incl. 23-990. Commissioner.

Muskogee, Indian Territory, Janury 3, 1907.

COPY.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application for the enrollment of Mary Elizabeth Goins as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated December 31, 1906, denying her application under Section Two of the Act of Congress approved April 26, 1906 (34 Stat., 137).

Respectfully,

SIGNED Tams Bixby

Commissioner.

Through the
Commissioner of Indian Affairs.

23-990.

W.F.Jr

LRS

SPECIAL

DEPARTMENT OF THE INTERIOR
WASHINGTON.

I.T.D. 7004-1907.
D.C. 12684-1907.

March 2, 1907.

LRS

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On February 23, 1907 (Land 1697), the Indian Office transmitted your report dated January 3, 1907, forwarding the record of proceedings in the matter of the application for the enrollment of Mary Elizabeth Goins as a citizen of the Choctaw Nation, together with your decision dated December 31, 1906, denying her application.

The Indian Office refusing to concur in your decision, recommended that Mary Elizabeth Going be enrolled as a citizen of the Choctaw Nation. A copy of its letter is inclosed.

There is inclosed for your information acopy of an opinion of the assistant Attorney-General dated and approved March 1, 1907, in which it is held that the applicant is entitled to be enrolled.

In view of said opinion, your decision of December 31, 1906, is hereby reversed, and you are directed to enroll Mary Elizabeth Goins as a Citizens by blood of the Choctaw Nation.

The papers in the case and a carbon copy hereof have been sent to the Indian Office,
2 inc. and 2 to Ind Of.
with copy of said opinion.

Respectfully,
Jesse E. Wilson
Assistant Secretary.

DEPARTMENT OF THE INTERIOR

OFFICE OF ASSISTANT ATTORNEY GENERAL

WASHINGTON.

I.T.D.
5158-1907L

March 1, 1907.

The Secretary of the Interior

Sir:

I received, by reference of February 28, 1907, for opinion, the record in case of Mary Elizabeth Goins, applicant for enrolment as a citizen of the Choctaw Nation, by blood.

Mary Elizabeth Goins was born June 4, 1905, to William Goins and Nancy A. Goins, a citizen of the United States. William Goins is borne upon the approved final roll of Choctaw citizens by blood. The application of Nancy A. for enrolment as a citizen of the Choctaw Nation by intermarriage was denied April 30, 1904, because she had a living husband from whom she was not divorced at the time of her marriage to William Goins. Under section 2 of the act of April 26, 1906 (34 Stat., 137), the Commissioner denied applicant's enrolment. That section provided that "for the purpose of enrollment under this section illegitimate children shall take the status of the mother"

The Commissioner seems to have deemed all issue of an invalid marriage to be illegitimate. The act of May 2, 1890 (26 Stat., 81, Sec. 31), provided, among other things:

that certain laws of the State of Arkansas in force.....:...as published in Mansfield's Digest of the Statutes of Arkansas (edition 1884), which are not locally inapplicable or in conflict with this act or with any law of Congress relating to the subjects mentioned in this section, are hereby extended over and put in force in the Indian Territory until Congress shall otherwise provide, that is to say the provisions of said general statutes of Arkansas relating to.....descents and distributions, chapter forty-nine;.....to marriage, chapter one hundred and three.

The act of July 7, 1897 (30 Stat., 62, 83), further provided:

The laws of the United States and the State of Arkansas in force in the Territory shall apply to all persons therein (the Indian Territory) irrespective of race.

Mansfield's Digest, Ed. 1884, thus extended to Indian Territory, provided, "Descents," chapter 49 and "Marriage," chapter 103:

Sec. 2526. The issue of all marriages deemed null in law, or dissolves by divorce, shall be deemed legitimate.

Sec. 4602. All marriages heretofore solemnized in this (Territory) by any minister of the Gospel or clergyman, duly accredited and acting as such, are hereby declared legal and binding, and all children born of parents so married are hereby declared legitimate.

By section 22 of the act of July 1, 1902 (32 Stat., 641), it was also provided that property should descend in the Choctaw Chickasaw Nation "according to the laws of descent and distribution as provided in chapter forty-nine, Mansfield's Digest of the Statutes of Arkansas".

It thus appears that applicant is the legitimate son of

his father, William Goins, even though the marriage of his parents is "deemed null in law", and he is not, within the meaning of section 2, act of April 26, 1906, supra, an illegitimate child.

I am therefore of opinion that the Commissioner erred, and that applicant is entitled to be enrolled.

Very respectfully,

Frank L. Campbell,

Assistant Attorney-General.

Approved: March 1, 1907,

E. A. Hitchcock,

Secretary.

COPY.

945/1912

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

Land
1697-1907.

WASHINGTON.

February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of the proceedings in the matter of the application for the enrollment of Mary Elizabeth Goins as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, adverse to the applicant.

The record shows that on June 6, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Mary Elizabeth Goins as a citizen of the Choctaw Nation. The record further shows that the father of Mary Elizabeth Goins, is William Goins, whose name appears on the final roll of citizens by blood of the Choctaw Nation, and that the mother of the applicant is Nancy A. Goins, whose application for enrollment as a citizen by intermarriage of the Choctaw Nation was denied by the Commission to the Five Civilized Tribes on October 10, 1903, and approved by the Department April 30, 1904 (I.T.D.2990), for the reason that Nancy A. Goins had a living husband from whom she

had never been divorced at the time of her marriage to William Goins.

By reason of the provisions of Section 2 of the Act of Congress approved April 26, 1906 (34 Stat. L., 137), Commissioner Bixby denies the enrollment of Mary Elizabeth Goins as a citizen of the Choctaw Nation.

The Office dissents from the decision of the Commissioner to the Five Civilized Tribes in this case. It appears from the record in the case of Nancy A. Goins, transmitted to the Department with Office letter of January 25, 1907, on a motion for review and rehearing in the matter of her application for enrollment as a citizen by intermarriage of the Choctaw Nation; that Nancy A. Goins and William Goins, regular enrolled Choctaw Citizens by blood, were married on September 19, 1897; and that a decree for a diverse from a former husband was not signed until September 21, 1897, three days subsequent to the marriage of Nancy A. Goins and William Goins.

The applicant herein, Mary Elizabeth Goins, who was born on June 4, 1905, is an issue of that marriage, and is the duly recognized child of William Goins and Nancy A. Goins, born nearly eight years subsequent to their marriage and the decree of divorce herein mentioned.

The Commissioner to the Five Civilized Tribes holds that the applicant is an illegitimate child and therefore takes the status of the mother who had been denied enrollment as an intermarried Choctaw citizen.

If modern law be considered, by no process of logical reasoning can the applicant, Mary Elizabeth Goins, be adjudged an illegitimate child.

A child is presumed to be legitimate until the contrary is shown. In case of conflicting presumptions, that in favor of legitimacy will prevail. (5 Cyc. 626).

A case in point and almost parallel to the Mary Elizabeth Goins case is that of Watts vs Owens (62 Wis. 512 22 N. W.?, 720), wherein it was held:

A child born within the wedlock of a legal marriage which is null in law because the woman has another husband living from whom she has never been divorced, is nevertheless the legitimate child and heir of each and both parents to all intents and purposes.

For the reasons herein set out, and inasmuch as application was made within the time limited by law for the enrollment of Mary Elizabeth Goins as a Choctaw citizen, who is the recognized child of William Goins an enrolled Choctaw citizen by blood, the Office recommends that Mary Elizabeth Goins be enrolled as a citizen of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stat. L., 137).

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MBM-D

23-990

Muskogee, Indian Territory, May 9, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on March 2, 1907, the Secretary of the Interior reversed the decision of this office of December 31, 1906, denying the application for the enrollment of Mary Elizabeth Goins as a minor citizen by blood of the Choctaw Nation, and her enrollment as such citizen was approved by the Department March 4, 1907.

For your information there is inclosed herewith a copy of Departmental letter of March 2, 1907, above referred to.

Respectfully,

LM 1/9

Commissioner.

7-5164

Muskogee, Indian Territory, June 19, 1906.

William Goins,

Stigler, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Nancy A. Goins and E. M. Russell to the birth of Mary Elizabeth Goins, child of William and Nancy A. Goins, June 4, 1905.

Respectfully,

Commissioner.

23-990

Stigler, Ind Ter.

Oct 26th 1906

Commisson to the five Civilized Tribes

Muskogee Ind Ter

In regard to the matter of enrollment of Mary Elizebeth Goins and your decision thereof- I wish to say you were sadly mistaken in my non citizenship you will soon see as I was approved by the Secretary of the Interior January 17, 1903 my enrollment No being A. 7425 by blood of Choctaw Nation. I hope you will attend to this at once.

I also wish you to send in Roy C. Goins (my son) pattents his register No being Choctaw by blood No. 7427.

Very Much Resp.

William Goins

Stigler, Ind Ter

Oct 26th 1906

Department of the Interior,

Commission to the five Civilized tribes,

Washington, D. C.

I wish to call your attenion in regard to the enrollment of Mary Elizebeth Goins and also the decission rendered by the Commission at Muskogee as to her right in the Choctaw Nation that I William Goins her father was denied citizenship in the Choctaw Nation you will see is a mistake, I have never had my idenity doubted for a moment I have always drawn my share in the tribel moneys also filed on my share on land and received my certificats of approveal also the panttent on my land, homestad paitent No 1355 allotment patent No 925. My son Roy G. Goins was also approved of and drew his share in tribel moneys and land too.

I hope Dear secretary you will see that this mistake is rectified. Most Resp

William Goins

(P S) My register No -A 7425?

Choc. Minor 991

Theodore Early Goodwin

M991

991

MINOR
CHOCTAW
ENROLLMENT

~~EARLY THEADORE~~ GOODWIN
Theodore Early

DUPLICATE RECORD BOUND
SEE PETITION #C130

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26. 1906

Dismissed Feb 13, 1907
Copy of Decision Forwarded
Applicant Feb 13, 1907
Copy of Decision Forwarded
attorney for Applicant
Feb 13, 1907
Copy of Decision Forwarded
Attorneys for Choctaw
and Chickasaw Nations
Feb 13, 1907
Decision Forwarded
Department Feb 13, 1907

991

DEPARTMENT OF THE INTERIOR, W.C.F.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

C- 130
7-D- 2
7- 13
7- 14
7-D-293
7-D-299
7- 2708
7- 2709
7- 3277
7- 3279
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7- 3296
7- 3297
7- 3298
7- 5234
23- 955
23- 970
23- 991
23- 992

In the matter of the application for the enrollment of THOMAS P. LEWIS, et al, as citizens by blood and intermarriage of the Choctaw Nation.

D E C I S I O N .

It appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes at Calvin, Indian Territory, August 7, 1899, by Thomas P. Lewis for the enrollment of Himself, his children, Lawrence Lewis, Laura Lewis, Antha L. Lewis, and Oscar Lewis as citizens by blood of the Choctaw Nation and for the enrollment of his wife, Augusta M. Lewis, as a citizen by intermarriage of the Choctaw Nation; the census card record shows that on the same date application was made by Zora P. Lewis for the enrollment of herself as a citizen by blood of the Choctaw Nation; that on the same date application was made by Edward M. Lewis for the enrollment of himself and children, Gail B. Lewis, Edward H. Lewis and Zora A. Guyer as citizens by blood of the Choctaw Nation and for the enrollment of his wife, Sarah B. Lewis, as a citizen by intermarriage of the Choctaw Nation; that on July 16, 1900, written application was filed for the enrollment of Lindly Blaine Guyer and on June 7, 1901, application was filed for the enrollment of Edith May Guyer; on September 24, 1902, application was filed for the enrollment of Fielding Lewis Guyer, minor child of William H. Guyer and Zora A. Guyer, as citizens by blood of the Choctaw Nation; that on August 7, 1899, application was made to the Commission to the Five Civilized Tribes by Edward M. Lewis for the enrollment of Sarah J. McKibben and her children, George L. McKibben, Cassie O. McKibben, Claude McKibben, Thomas P. McKibben and Grant McKibben as citizens by blood of the Choctaw Nation; that on the same date application was made by Lydia Clark to the Commission to the Five Civilized Tribes for the enrollment of herself as a citizen by blood of the Choctaw Nation; that on the same date application was made to the Commission to the Five Civilized Tribes by Virgil Cowart for the enrollment of himself as a citizen by blood of the Choctaw Nation and for the enrollment of his wife, Anna Cowart, as a citizen

by intermarriage of the Choctaw Nation; that on September 2, 1898, application was made by Marshall Cowart for the enrollment of himself and his brothers, Samuel P. Cowart and George V. Cowart, as citizens by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Calvin, Indian Territory, during the month of August, 1899, by Lucy Adams for the enrollment of herself and her minor children, Mabel Adams and Earnest P. Adams, as citizens by blood of the Choctaw Nation; that on February 24, 1902, written application was filed for the enrollment of Ida Vadis Adams, minor child of said Lucy Adams and A. M. Adams as a citizen by blood of the Choctaw Nation; that on August 7, 1899, application was made to the Commission to the Five Civilized Tribes by Zora S. Early for the enrollment of herself and her daughter, Nellie Early, as citizens by blood of the Choctaw Nation; that on June 14, 1901, written application was filed for the enrollment of Albert Clarence Goodwin, minor child of Nellie Goodwin, nee Early, and John Goodwin as a citizen by blood of the Choctaw Nation; that on September 2, 1898, application was made to the Commission to the Five Civilized Tribes by Joseph H. Leard for the enrollment of himself, Madison Leard, Jack Leard, Maud Early and Hugh Early as citizens by blood of the Choctaw Nation and for the enrollment of his wife, Belle Leard, as a citizen by intermarriage of the Choctaw Nation; that on February 28, 1901, written application was filed for the enrollment of Frank David Leard, minor child of Madison Leard and Eliza Leard as a citizen by blood of the Choctaw Nation; that on August 29, 1901, written application was filed for the enrollment of Elihu Venable, minor child of John Venable and Maud Venable as a citizen by blood of the Choctaw Nation; that on June 14, 1899, application was made to the Commission to the Five Civilized Tribes at Spiro, Indian Territory, by Olivia Pryor for the enrollment of herself and her minor children, Kyle Douglass, Henry Jordan, Rhoda Jordan, Zora Jordan, George Pryor, James Pryor, Mary E. Pryor and Sallie O. Pryor as citizens by blood of the Choctaw Nation; that on August 18, 1900, written applications were filed for the enrollment of Vernon Pryor and Earl Pryor, minor children of said Olivia Pryor and S. V. Pryor as citizens by blood of the Choctaw Nation; that on September 2, 1898, application was made to the Commission to the Five Civilized Tribes at Calvin, Indian Territory, by Angeline Tabor for the enrollment of herself and her minor children, Willie Tabor, Ben Tabor and Herschel L. Tabor as citizens by blood of the Choctaw Nation; that on March 1, 1901, written application was filed for the enrollment of Ruthe Adams, minor child of Angeline Tabor, (now Adams) and J. J. Adams, and on August 7, 1902, written application was filed for the enrollment of Leona Tabor, minor child of Angeline Tabor and Sherman Tabor as citizens by blood of the Choctaw Nation; that on September 29, 1898, application was made to the Commission to the Five Civilized Tribes at Tishomingo, Indian Territory, by Julius M. Leard for the enrollment of himself and his minor children, Frank Leard, Sudie Leard and Nannie Leard as citizens by blood of the Choctaw Nation; that on August 6, 1900, written application was filed for the enrollment of Barney Edward Leard and on November 1, 1901, written application was filed for the enrollment of David Leard, minor children of Sudie Leard and Julius M. Leard as citizens by blood of the Choctaw Nation; that on June 14, 1899, application was made to the Commission to the Five Civilized Tribes at Spiro, Indian Territory, by Ophelia S. Edwards for the enrollment of herself and children, Charles Edwards, Lula J. Edwards, Martha J. Edwards, David L. Edwards and Luther V.

Edwards as citizens by blood of the Choctaw Nation; that on August 8, 1899, application was made to the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, by Joseph M. Edwards for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation.

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made on September 9, 1896, for the admission of certain of the applicants as citizens of the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), the names of the applicants herein appearing in said application as follows: Zora P. Lewis, Edward M. Lewis, Sarah E. Lewis, Gail B. Lewis, Zora A. Lewis, Edward M. Lewis, Thomas P. Lewis, Augusta M. Lewis, Laura A. Lewis, Antha Lewis, Lawrence Lewis, Oscar Lewis, Lydia Clark, Olivia Pryor, Kyle Douglass, Henry Jordon, Rhoda Jordon, Zora Jordon, George Pryor, James Pryor, Mary E. Pryor, Virgil Cowart, Annie Cowart, Samuel P. Cowart, George W. Cowart, Marshal Cowart, Angeline Taber, Willie L. Taber, Benny H. Taber, Marshel L. Taber, Julius M. Leard, Frank A. Leard, Sudie E. Leard, Mannie E. Leard, Maud Early, Hugh H. Early, Joseph H. Leard, Bell Leard, Madison L. Leard, Jackson A. Leard, Sarah Jane McKibben, George Lewis McKibben, Cassie O. McKibben, Claud T. McKibben, Thomas P. McKibben Zora S. Early, nee Lewis, Lucy Adams, nee Early, Nelly O. Early, Mable Adams, Ophelia S. Edwards, Joseph M. Edwards, Charles Edwards, Lula Edwards, Martha J. Edwards and David L. Edwards. The names of George W. McKibben and Preston Early were also included in said application.

On December 4, 1896, the Commission to the Five Civilized Tribes denied the above application from which decision appeal was taken to the United States Court for the Central District of Indian Territory, which Court on January 19, 1898, reversed the decision as to the above applicants and admitted said applicants to citizenship in the Choctaw Nation.

Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw-Chickasaw Citizenship Court of December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al".

Said cause as to all the applicants herein except Sarah J. McKibben and Edward M. Lewis was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo and on December 3, 1904, in the case entitled "Zora P. Lewis, et al, vs. Choctaw and Chickasaw Nations", said Citizenship Court rendered a judgment wherein it was "ordered adjudged and decreed that the petition of the plaintiffs, Zora P. Lewis, Thomas P. Lewis, Zora S. Early, Olivia Pryor, Gale B. Wooding or Gale B. Lewis or Gail B. Lewis, Marshal Cowart, Virgil Cowart, Angaline Adams or Angaline Taber, or Angeline Taber, Julius M. Leard, Madison Leard or Madison L. Leard, Jack Leard, Maude Early, Hugh Early, Olivia Clark, Lawrence Lewis, Laura Lewis, Lucy Adams, Nellie Goodwin or Nellie Early, George L. McKibben or George Lewis McKibben, Cassie OL McKibben or McKibben, Claud McKibbin or McKibben, Thomas P. McKibbin or McKibben, Frank A. Leard, Mabel Adams ... Zora A. Lewis, Edward M. Lewis, Sudie Leard, Mamie Leard, Ben Taber, Marshel Taber, Kyle Douglass or Douglas, Henry Jordan, Rhoda Jordan, Zora Jordan, George Pryor, James Pryor, Mary P. Pryor or Mary E. Pryor . . . Anith L. Lewis or Antha L. Lewis, Oscar Lewis . . Joseph M. Leard, Sarah E. Lewis, Augusta M. Lewis, Samuel P. Cowart, George V. Cowart, Anna Cowart and Belle Leard be denied and

that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom".

On the same date said Citizenship Court rendered a judgment in the case of "Preston Harly, et al, vs. Choctaw and Chickasaw Nations" wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Preston Harly, Joseph M. Edwards, George W. McKibben or McKibben . . . be denied and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom".

On the same date said Citizenship Court rendered a judgment in the case entitled "Ophelia S. Edwards, et al, vs. Choctaw and Chickasaw Nations" wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Ophelia S. Edwards, David L. Edwards, Charles Edwards, Lula Hayes or Lula Edwards and Martha J. Smith or Martha J. Edwards be denied and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom".

On January 19, 1906, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Earnest P. Adams, Ida Vadis Adams, Frank David Leard, Elihu Venable, Sallie O. Pryor, Earl Pryor, Ruthe Adams, Vernon Pryor, and Leona Taber. January 21, 1906, said Commission issued orders dismissing the applications for the enrollment of Lindly Blaine Guyer, Edith May Guyer, Yielding Lewis Guyer, Albert Clarence Goodwin and Luther W. Edwards. On January 24, 1906, said Commission issued an order dismissing the applications for the enrollment of Barney Edward Leard and David Leard. Said orders were based on the fact that the rights of the persons through whom the above applicants claim the right to enrollment as citizens of the Choctaw Nation have been adversely determined by the Choctaw and Chickasaw Citizenship Court.

On January 26, 1906, said Commission issued an order dismissing the application for the enrollment of Grant McKibben for the reason that the rights of said applicant's brothers and sisters whose status as citizens by blood of the Choctaw Nation was identical with the status of said applicant had been adversely determined by said Choctaw and Chickasaw Citizenship Court.

On the same date said Commission issued orders dismissing the application for the enrollment of Sarah J. McKibben and Edward M. Lewis as citizens by blood of the Choctaw Nation for the reason that the judgment of the United States Court of January 19, 1898, favorable to said applicants had been set aside by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, and said cause as to said applicants was not certified to the Choctaw and Chickasaw Citizenship Court for a trial denovo.

On June 26, 1906, there was received at the office of the Commissioner to the Five Civilized Tribes a petition praying for the enrollment of the following persons as citizens by blood of the Choctaw Nation: Zora P. Lewis, Thomas P. Lewis, Augusta M. Lewis, Lydia Clark, George Clark, Lawrence Lewis, Laura Lewis, Frank Davis, Antha Lewis, Oscar Lewis, Rhoda Cowart, Olivia Pryor, Virgil Cowart, Marshall Cowart, George V. Cowart, Kyle Douglass, Henry Jordin,

Rhoda Jordan, Zora Jordan, George Pryor, James Pryor, Mary E. Pryor, Olivia Pryor, Vernon Pryor, Earle Pryor, Emmett Pryor, Jessie Pryor, William Early, William E. Hays, Cena Bailey, Samuel Douglas, Ethel Douglas, Henry Munn, Tula Munn, Zora S. Early, Preston Early, Lucy Adams, A. M. Adams, Nellie Goodwin, John Goodwin, Mabel Adams, Ernest Adams, Vadice Adams, Alvey Adams, Clarence Goodwin, Theodore Goodwin, Susan Early, Angeline Adams, John Adams, Julius Leard, Ludie Leard, Madison L. Leard, Eliza Leard, Jack Leard, Susie Leard, Joseph H. Leard, Belle Leard, Hugh Early, Maude Venable, John Venable, Willie Tabor, Benjamin Tabor, Herschel L. Tabor, Ruth Adams, Rufus Adams, Frank Leard, Sudie Leard, Nannie Leard, Barnie Leard, Dave Leard, Frank Leard, Roy Leard, Ona Leard, Elihu Venable, Alice Venable, Jewell Venable, Edward M. Lewis, Sarah E. Lewis, Gail Wooding, John L. Wooding, Zora A. Guyer, William H. Guyer, Edward M. Lewis, Clinton L. Wooding, Lindley B. Guyer, Fielding L. Guyer, Edith Guyer, Jesse Lee Guyer, Rosa P. Guyer, Sarah J. McKibben, G. W. McKibben, George Lewis McKibben, Cassie O. McKibben, Claud McKibben, Thomas P. McKibben, Ophelia Edwards, J. M. Edwards, Charles Edwards, Lula Ratteree, Eugene Ratteree, Martha J. Smith, Oscar Smith, David Self, ____ Self and Leeta Ratteree.

It is alleged in the petition that the petitioners are entitled to enrollment under the supervisory authority of the Honorable Secretary of the Interior as members of the Choctaw Nation by virtue of their Choctaw descent and their residence with said tribe.

The following persons mentioned in the petition are identical with the persons for whose enrollment as citizens by blood and intermarriage of the Choctaw Nation application was made under the provisions of the Act of Congress approved June 28, 1898, (30 Stats., 495): Zora P. Lewis, Thomas P. Lewis, Augusta M. Lewis, Lydia Clark, Lawrence Lewis, Laura Lewis, Antha Lewis, Oscar Lewis, Olivia Pryor, Earl Pryor, Virgil Cowart, Marshall Cowart, George V. Cowart, Kyle Douglass, Henry Jordan, Rhoda Jordan, Zora Jordan, George Pryor, James Pryor, Mary E. Pryor, Edward M. Lewis, Sarah E. Lewis, Joseph H. Leard, Belle Leard, Olivia Pryor, Vernon Pryor, Zora S. Early, Lucy Adams, Nellie Goodwin, Mabel Adams, Earnest Adams, Vadice Adams, Clarence Goodwin, Angeline Adams, Julius Leard, Madison L. Leard, Jack Leard, Hugh Early, Maud Venable, Willie Tabor, Benjamin Tabor, Herschel L. Tabor, Ruth Adams, Frank Leard, Sudie Leard, Nannie Leard, Barnie Leard, Dave Leard, Frank Leard, Elihu Venable, Gail Wooding, Zora A. Guyer, Edward M. Lewis, Lindley B. Guyer, Fielding L. Guyer, Edith Guyer, Sarah J. McKibben, George Lewis McKibben, Cassie O. McKibben, Claud McKibben, Thomas P. McKibben, Ophelia S. Edwards, Charles Edwards, Lula Ratteree, Martha J. Smith and J. M. Edwards.

Application was made under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137) for the enrollment of the following persons as citizens by blood of the Choctaw Nation: July 20, 1906, Alva Adams, born January 5, 1905, minor daughter of A. M. Adams and Lucy Adams;

July 23, 1906, Theodore Early Goodwin, born January 31, 1905, minor son of John T. Goodwin and Nellie Goodwin;

July 24, 1906, Clinton L. Wooding born June 23, 1905, minor son of John L. Wooding and Gail E. Wooding;

July 20, 1906, Jessie Fay Guyer and Rosa Lee Guyer, born January 4, 1904 and March 22, 1905, respectively, children of J. W. Guyer and Zora A. Guyer.

It is not alleged in the petition that any of the petitioners herein ever occupied such a status as would entitle them to enrollment as citizens by blood or intermarriage of the Choctaw Nation; neither can any of the petitioners be identified with any

of the persons whose names appear on any of the tribal rolls of the Choctaw Nation in the possession of this office.

Section one of the Act of Congress approved April 26, 1906 (34 Stats., 137), provides in part as follows:

"No motion to reopen or reconsider any citizenship case in any of said tribes shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act".

I am of the opinion that inasmuch as the petition herein was not filed within sixty days after the passage of the Act of April 26, 1906 (34 Stats., 137), I am without authority to receive or consider said petition in so far as same applies to those applicants for whose enrollment application was made under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495).

I am, therefore, of the opinion that inasmuch as it does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that any of the applicants ever occupied such a status as would entitle them to enrollment as citizens by blood and intermarriage of the Choctaw Nation, the decisions of the Choctaw and Chickasaw Citizenship Court of December 3, 1904, are final and that the applications for the enrollment of Zora P. Lewis, Zora S. Early, Nellie Early, Thomas P. Lewis, Lawrence Lewis, Laura Lewis, Antha L. Lewis, Oscar Lewis, Lydia Clark, Virgil Cowart, Marshall Cowart, Samuel P. Cowart, George V. Cowart, Julius M. Leard, Frank Leard, Sudie Leard, Nannie Leard, George L. McKibben, Cassie O. McKibben, Claude McKibben, Thomas P. McKibben, Joseph M. Leard, Madison Leard, Jack Leard, Maud Early, now Maud Venable, Hugh Early, Olivia Pryor, Kyle Douglass, Henry Jordan, Rhoda Jordan, George Pryor, James Pryor, Mary E. Pryor, Angeline Adams, formerly Tabor, Willie Tabor, Ben Tabor, Herschel L. Tabor, Zora A. Guyer, Lucy Adams, Mabel Adams, Gail B. Lewis, now Gail B. Wooding, Edward H. Lewis, Zora Jordan, Ophelia S. Edwards, Charles Edwards, Eula J. Ratteree, nee Edwards, Martha J. Smith, nee Edwards and David L. Edwards as citizens by blood of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902, (32 Stats., 641) and that the petition herein, in so far as it applies to said applicants, should be dismissed and it is so ordered.

I am further of the opinion that the application for the enrollment of Augusta M. Lewis, Anna Cowart, Sarah E. Lewis, Belle Leard and Joseph M. Edwards as citizens by intermarriage of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641) and that the petition herein in so far as same applies to said petitioners should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners Edward M. Lewis, Sarah J. McKibben, Ruth Adams, Leona Tabor, Sallie O. Pryor, Vernon Pryor, Mark Pryor, Frank David Leard, Elihu Venable, Grant McKibben, Barnie Edward Leard, David Leard, Albert Clarence Goodwin, Lindly Blaine Guyer, Edith May Guyer, Fielding Lewis Guyer, Earnest R. Adams and Ida Vadis Adams, whose applications for enrollment have heretofore been dismissed, should be dismissed, and it is so ordered.

I am further of the opinion that the petitionherein in so far as same applies to the petitioners O. W. McKibben, John L.

Wooding, William Burly, William H. Guyer, John Adams, Ludie Leard, wife of Julius Leard, Eliza Leard, Susie Leard, John Venable, Frank Davis, George Clark, A. M. Adams, Preston Burly, John Goodwin, Eugene Batteree, Oscar Smith, Rhoda Cowart, Davie Self and ___Self, husband of Davie Self, should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Emmett Pryor, Jessie Pryor, Cora Bailey, Samuel Douglass, Ethel Douglass, Henry Bunn, Lula Bunn, Jesse Lee Guyer, Rosa P. Guyer, Rufus Tabor, Roy Leard, Ora Leard, Alice Venable, Jewell Venable, Leota Batteree and William E. Hays should be considered as an application for the enrollment of said persons as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and that inasmuch as said applications were not filed within the time limited by the provisions of said Act, the same should be dismissed, and it is so ordered.

I am further of the opinion that the application filed July 23, 1906 and July 24, 1906, for the enrollment of Alva Adams, Theodore Burly Goodwin, Clinton L. Wooding, Jessie Fay Guyer and Rosa Lee Guyer and the petition herein in so far as same applies to said applicants should be dismissed, and it is so ordered.

(signed) Tams Bixby,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

Feb 13 1907

7-3279

Muskogee, Indian Territory, July 30, 1906.

John T. Goodwin,

Okema, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Nellie Goodwin and Zora S. Narly to the birth of Theodore Narly Goodwin, child of John T. and Nellie Goodwin, January 31, 1906.

Respectfully,

Commissioner.

Choc. Minor 992

Jessie Fay Guyer

Rosa Lee Guyer

M992

MINOR

CHOCTAW

ENROLLMENT

JESSIE FAY HUYER

ROSA LEE GUYER

SEE PETITION # C 130
DUPLICATE RECORD FOUND

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26. 1906

Record [illegible] 407.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

C- 130
7-D- 2
7- 13
7- 14
7-D-293
7-D-299
7- 2708
7- 2709
7- 3277
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7- 3294
7- 3295
7- 3296
7- 3297
7- 3298
7- 5234
23- 953
23- 970
23- 991
23- 992

In the matter of the application for the enrollment of THOMAS P. LEWIS, et al, as citizens by blood and intermarriage of the Choctaw Nation.

D E C I S I O N .

It appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes at Calvin, Indian Territory, August 7, 1899, by Thomas P. Lewis for the enrollment of himself, his children, Lawrence Lewis, Laura Lewis, Antha L. Lewis, and Oscar Lewis as citizens by blood of the Choctaw Nation and for the enrollment of his wife, Augusta M. Lewis, as a citizen by intermarriage of the Choctaw Nation; the census card record shows that on the same date application was made by Zora P. Lewis for the enrollment of herself as a citizen by blood of the Choctaw Nation; that on the same date application was made by Edward M. Lewis for the enrollment of himself and children, Gail B. Lewis, Edward H. Lewis and Zora A. Guyer as citizens by blood of the Choctaw Nation and for the enrollment of his wife, Sarah E. Lewis, as a citizen by intermarriage of the Choctaw Nation; that on July 16, 1900, written application was filed for the enrollment of Lindly Blaine Guyer and on June 7, 1901, application was filed for the enrollment of Edith May Guyer; on September 24, 1902, application was filed for the enrollment of Fielding Lewis Guyer, minor child of William H. Guyer and Zora A. Guyer, as citizens by blood of the Choctaw Nation; that on August 7, 1899, application was made to the Commission to the Five Civilized Tribes by Edward M. Lewis for the enrollment of Sarah J. McKibben and her children, George L. McKibben, Cassie O. McKibben, Claude McKibben, Thomas P. McKibben and Grant McKibben as citizens by blood of the Choctaw Nation; that on the same date application was made by Lydia Clark to the Commission to the Five Civilized Tribes for the enrollment of herself as a citizen by blood of the Choctaw Nation; that on the same date application was made to the Commission to the Five Civilized Tribes by Virgil Cowart for the enrollment of himself as a citizen by blood of the Choctaw Nation and for the enrollment of his wife, Anna Cowart, as a citizen

by intermarriage of the Choctaw Nation; that on September 2, 1898, application was made by Marshall Cowart for the enrollment of himself and his brothers, Samuel P. Cowart and George V. Cowart, as citizens by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Calvin, Indian Territory, during the month of August, 1899, by Lucy Adams for the enrollment of herself and her minor children, Mabel Adams and Earnest P. Adams, as citizens by blood of the Choctaw Nation; that on February 24, 1902, written application was filed for the enrollment of Ida Vadis Adams, minor child of said Lucy Adams and A. M. Adams as a citizen by blood of the Choctaw Nation; that on August 7, 1899, application was made to the Commission to the Five Civilized Tribes by Zora S. Early for the enrollment of herself and her daughter, Nellie Early, as citizens by blood of the Choctaw Nation; that on June 14, 1901, written application was filed for the enrollment of Albert Clarence Goodwin, minor child of Nellie Goodwin, nee Early, and John Goodwin as a citizen by blood of the Choctaw Nation; that on September 2, 1898, application was made to the Commission to the Five Civilized Tribes by Joseph H. Leard for the enrollment of himself, Madison Leard, Jack Leard, Maud Early and Hugh Early as citizens by blood of the Choctaw Nation and for the enrollment of his wife, Belle Leard, as a citizen by intermarriage of the Choctaw Nation; that on February 28, 1901, written application was filed for the enrollment of Frank David Leard, minor child of Madison Leard and Eliza Leard as a citizen by blood of the Choctaw Nation; that on August 29, 1901, written application was filed for the enrollment of Elihu Venable, minor child of John Venable and Maud Venable as a citizen by blood of the Choctaw Nation; that on June 14, 1899, application was made to the Commission to the Five Civilized Tribes at Spiro, Indian Territory, by Olivia Pryor for the enrollment of herself and her minor children, Kyle Douglass, Henry Jordan, Rhoda Jordan, Zora Jordan, George Pryor, James Pryor, Mary E. Pryor and Sallie O. Pryor as citizens by blood of the Choctaw Nation; that on August 18, 1900, written applications were filed for the enrollment of Verno Pryor and Earl Pryor, minor children of said Olivia Pryor and S. V. Pryor as citizens by blood of the Choctaw Nation; that on September 2, 1898, application was made to the Commission to the Five Civilized Tribes at Calvin, Indian Territory, by Angeline Tabor for the enrollment of herself and her minor children, Willie Tabor, Ben Tabor and Herschel L. Tabor as citizens by blood of the Choctaw Nation; that on March 1, 1901, written application was filed for the enrollment of Ruthe Adams, minor child of Angeline Tabor, (now Adams) and J. J. Adams, and on August 7, 1902, written application was filed for the enrollment of Leona Tabor, minor child of Angeline Tabor and Sherman Tabor as citizens by blood of the Choctaw Nation; that on September 29, 1898, application was made to the Commission to the Five Civilized Tribes at Tishomingo, Indian Territory, by Julius M. Leard for the enrollment of himself and his minor children, Frank Leard, Sudie Leard and Nannie Leard as citizens by blood of the Choctaw Nation; that on August 6, 1900, written application was filed for the enrollment of Barney Edward Leard and on November 1, 1901, written application was filed for the enrollment of David Leard, minor children of Sudie Leard and Julius M. Leard as citizens by blood of the Choctaw Nation; that on June 14, 1899, application was made to the Commission to the Five Civilized Tribes at Spiro, Indian Territory, by Ophelia S. Edwards for the enrollment of herself and children, Charles Edwards, Lula J. Edwards, Martha J. Edwards, David L. Edwards and Luther W.

Edwards as citizens by blood of the Choctaw Nation; that on August 5, 1899, application was made to the Commission to the Five Civilized Tribes at Hartshorne, Indian Territory, by Joseph M. Edwards for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation.

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made on September 9, 1896, for the admission of certain of the applicants as citizens of the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), the names of the applicants herein appearing in said application as follows: Zora P. Lewis, Edward M. Lewis, Sarah E. Lewis, Gail B. Lewis, Zora A. Lewis, Edward H. Lewis, Thomas P. Lewis, Augusta M. Lewis, Laura A. Lewis, Antha Lewis, Lawrence Lewis, Oscar Lewis, Lydia Clark, Olivia Pryor, Kyle Douglass, Henry Jordan, Rhoda Jordan, Zora Jordan, George Pryor, James Pryor, Mary E. Pryor, Virgil Cowart, Annie Cowart, Samuel P. Cowart, George V. Cowart, Marshal Cowart, Angeline Tabor, Willie L. Tabor, Benny H. Tabor, Herschel L. Tabor, Julius M. Leard, Frank A. Leard, Sudie E. Leard, Nannie E. Leard, Maud Early, Hugh H. Early, Joseph H. Leard, Bell Leard, Madison L. Leard, Jackson A. Leard, Sarah Jane McKibben, George Lewis McKibben, Cassie O. McKibben, Claud T. McKibben, Thomas P. McKibben Zora S. Early, nee Lewis, Lucy Adams, nee Early, Nelly O. Early, Mable Adams, Ophelia S. Edwards, Joseph M. Edwards, Charles Edwards, Lula Edwards, Martha J. Edwards and David L. Edwards. The names of George W. McKibben and Preston Early were also included in said application.

On December 4, 1896, the Commission to the Five Civilized Tribes denied the above application from which decision appeal was taken to the United States Court for the Central District of Indian Territory, which Court on January 19, 1898, reversed the decision as to the above applicants and admitted said applicants to citizenship in the Choctaw Nation.

Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw-Chickasaw Citizenship Court of December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al".

Said cause as to all the applicants herein except Sarah J. McKibben and Edward M. Lewis was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo and on December 3, 1904, in the case entitled "Zora P. Lewis, et al, vs. Choctaw and Chickasaw Nations", said Citizenship Court rendered a judgment wherein it was "ordered adjudged and decreed that the petition of the plaintiffs, Zora P. Lewis, Thomas P. Lewis, Zora S. Early, Olivia Pryor, Gale B. Wooding or Gale B. Lewis or Gail B. Lewis, Marshal Cowart, Virgil Cowart, Angelina Adams or Angelina Tabor or Angeline Tabor, Julius M. Leard, Madison Leard or Madison L. Leard, Jack Leard, Maude Early, Hugh Early, Olivia Clark, Lawrence Lewis, Laura Lewis, Lucy Adams, Nellie Goodwin or Nellie Early, George L. McKibbin or George Lewis McKibben, Cassie O. McKibbin or McKibben, Claud McKibbin or McKibben, Thomas P. McKibbin or McKibben, Frank A. Leard, Mabel Adams ... Zora A. Lewis, Edward H. Lewis, Sudie Leard, Nannie Leard, Ben Tabor, Herschel Tabor, Kyle Douglass or Douglas, Henry Jordan, Rhoda Jordan, Zora Jordan, George Pryor, James Pryor, Mary F. Pryor or Mary E. Pryor . . . Andth L. Lewis or Antha L. Lewis, Oscar Lewis . . . Joseph H. Leard, Sarah E. Lewis, Augusta M. Lewis, Samuel P. Cowart, George V. Cowart, Anna Cowart and Belle Leard be denied and

that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom".

On the same date said Citizenship Court rendered a judgment in the case of "Preston Early, et al, vs. Choctaw and Chickasaw Nations" wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Preston Early, Joseph M. Edwards, George W. McKibbin or McKibben . . . be denied and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom".

On the same date said Citizenship Court rendered a judgment in the case entitled "Ophelia S. Edwards, et al, vs. Choctaw and Chickasaw Nations" wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Ophelia S. Edwards, David L. Edwards, Charles Edwards, Lula Hayes or Lula Edwards and Martha J. Smith or Martha J. Edwards be denied and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom".

On January 19, 1905, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Earnest P. Adams, Ida Vadis Adams, Frank David Leard, Elihu Venable, Sallie O. Pryor, Vernon Pryor, Earl Pryor, RutheAdams and Leona Tabor. January 21, 1905, said Commission issued orders dismissing the applications for the enrollment of Kindly Blaine Cuyer, Edith May Cuyer, Fielding Lewis Cuyer, Albert Clarence Goodwin and Luther W. Edwards. On January 24, 1905, said Commission issued an order dismissing the applications for the enrollment of Barney Edward Leard and David Leard. Said orders were based on the fact that the rights of the persons through whom the above applicants claim the right to enrollment as citizens of the Choctaw Nation have been adversely determined by the Choctaw and Chickasaw Citizenship Court.

On January 26, 1905, said Commission issued an order dismissing the application for the enrollment of Grant McKibben for the reason that the rights of said applicant's brothers and sisters whose status as citizens by blood of the Choctaw Nation was identical with the status of said applicant had been adversely determined by said Choctaw and Chickasaw Citizenship Court.

On the same date said Commission issued orders dismissing the application for the enrollment of Sarah J. McKibben and Edward M. Lewis as citizens by blood of the Choctaw Nation for the reason that the judgment of the United States Court of January 19, 1898, favorable to said applicants had been set aside by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, and said cause as to said applicants was not certified to the Choctaw and Chickasaw Citizenship Court for a trial de novo.

On June 26, 1906, there was received at the office of the Commissioner to the Five Civilized Tribes a petition praying for the enrollment of the following persons as citizens by blood of the Choctaw Nation: Zora P. Lewis, Thomas P. Lewis, Augusta M. Lewis, Lydia Clark, George Clark, Lawrence Lewis, Laura Lewis, Frank Davis, Antha Lewis, Oscar Lewis, Rhoda Cowart, Olivia Pryor, Virgil Cowart, Marshall Cowart, George V. Cowart, Kyle Douglass, Henry Jordan,

Rhoda Jordan, Zora Jordan, George Pryor, James Pryor, Mary E. Pryor, Olivia Pryor, Vernon Pryor, Earle Pryor, Emmett Pryor, Josie Pryor, William Early, William H. Hays, Cora Bailey, Samuel Douglas, Ethel Douglas, Henry Munn, Tula Munn, Zora S. Early, Preston Early, Lucy Adams, A. M. Adams, Nellie Goodwin, John Goodwin, Mabel Adams, Ernest Adams, Vadice Adams, Alvey Adams, Clarence Goodwin, Theodore Goodwin, Susan Early, Angeline Adams, John Adams, Julius Leard, Ludie Leard, Madison L. Leard, Eliza Leard, Jack Leard, Susie Leard, Joseph H. Leard, Belle Leard, Hugh Early, Maude Venable, John Venable, Willie Tabor, Benjamin Tabor, Herschel L. Tabor, Ruth Adams, Rufus Adams, Frank Leard, Sudie Leard, Nannie Leard, Barnie Leard, Dave Leard, Frank Leard, Roy Leard, Ona Leard, Elihu Venable, Alice Venable, Jewell Venable, Edward M. Lewis, Sarah E. Lewis, Gail Wooding, John L. Wooding, Zora A. Guyer, William H. Guyer, Edward M. Lewis, Clinton L. Wooding, Lindley B. Guyer, Fielding L. Guyer, Edith Guyer, Jesse Lee Guyer, Rosa P. Guyer, Sarah J. McKibben, G. W. McKibben, George Lewis McKibben, Cassie O. McKibben, Claud McKibben, Thomas P. McKibben, Ophelia Edwards, J. M. Edwards, Charles Edwards, Lula Ratteree, Eugene Ratteree, Martha J. Smith, Oscar Smith, David Self, ___ Self and Loeta Ratteree.

It is alleged in the petition that the petitioners are entitled to enrollment under the supervisory authority of the Honorable Secretary of the Interior as members of the Choctaw Nation by virtue of their Choctaw descent and their residence with said tribe.

The following persons mentioned in the petition are identical with the persons for whose enrollment as citizens by blood and intermarriage of the Choctaw Nation application was made under the provisions of the Act of Congress approved June 28, 1898, (30 Stats., 495): Zora P. Lewis, Thomas P. Lewis, Augusta M. Lewis, Lydia Clark, Lawrence Lewis, Laura Lewis, Antha Lewis, Oscar Lewis, Olivia Pryor, Earl Pryor, Virgil Cowart, Marshall Cowart, George W. Cowart, Kyle Douglass, Henry Jordan, Rhoda Jordan, Zora Jordan, George Pryor, James Pryor, Mary E. Pryor, Edward M. Lewis, Sarah E. Lewis, Joseph H. Leard, Belle Leard, Olivia Pryor, Vernon Pryor, Zora S. Early, Lucy Adams, Nellie Goodwin, Mabel Adams, Ernest Adams, Vadice Adams, Clarence Goodwin, Angeline Adams, Julius Leard, Madison L. Leard, Jack Leard, Hugh Early, Maud Venable, Willie Tabor, Benjamin Tabor, Herschel L. Tabor, Ruth Adams, Frank Leard, Sudie Leard, Nannie Leard, Barnie Leard, Dave Leard, Frank Leard, Elihu Venable, Gail Wooding, Zora A. Guyer, Edward M. Lewis, Lindley B. Guyer, Fielding L. Guyer, Edith Guyer, Sarah J. McKibben, George Lewis McKibben, Cassie O. McKibben, Claud McKibben, Thomas P. McKibben, Ophelia S. Edwards, Charles Edwards, Lula Ratteree, Martha J. Smith and J. M. Edwards.

Application was made under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137) for the enrollment of the following persons as citizens by blood of the Choctaw Nation: July 20, 1906, Alva Adams, born January 5, 1905, minor daughter of A. M. Adams and Lucy Adams;

July 23, 1906, Theodore Early Goodwin, born January 31, 1905, minor son of John T. Goodwin and Nellie Goodwin;

July 24, 1906, Clinton L. Wooding born June 23, 1905, minor son of John L. Wooding and Gail B. Wooding.

July 20, 1906, Jessie Fay Guyer and Rosa Lee Guyer, born January 4, 1904 and March 22, 1905, respectively, children of J. W. Guyer and Zora A. Guyer.

It is not alleged in the petition that any of the petitioners herein ever occupied such a status as would entitle them to enrollment as citizens by blood or intermarriage of the Choctaw Nation; neither can any of the petitioners be identified with any

of the persons whose names appear on any of the tribal rolls of the Choctaw Nation in the possession of this office.

Section one of the Act of Congress approved April 26, 1906 (34 Stats., 137) provides in part as follows:

"No motion to reopen or reconsider any citizenship case in any of said tribes shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act".

I am of the opinion that inasmuch as the petition herein was not filed within sixty days after the passage of the Act of April 26, 1906 (34 Stats., 137), I am without authority to receive or consider said petition in so far as same applies to those applicants for whose enrollment application was made under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495).

I am, therefore, of the opinion that inasmuch as it does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that any of the applicants ever occupied such a status as would entitle them to enrollment as citizens by blood and intermarriage of the Choctaw Nation, the decisions of the Choctaw and Chickasaw Citizenship Court of December 3, 1904, are final and that the applications for the enrollment of Zora P. Lewis, Zora S. Early, Nellie Early, Thomas P. Lewis, Lawrence Lewis, Laura Lewis, Antha L. Lewis, Oscar Lewis, Lydia Clark, Virgil Cowart, Marshall Cowart, Samuel P. Cowart, George V. Cowart, Julius M. Leard, Frank Leard, Sudie Leard, Mannie Leard, George L. McKibben, Cassie O. McKibben, Claude McKibben, Thomas P. McKibben, Joseph H. Leard, Madison Leard, Jack Leard, Maud Early, now Maud Venable, Hugh Early, Olivia Pryor, Kyle Douglass, Henry Jordan, Rhoda Jordan, George Pryor, James Pryor, Mary E. Pryor, Angeline Adams, formerly Tabor, Willie Tabor, Ben Tabor, Herschel L. Tabor, Zora A. Guyer, Lucy Adams, Mabel Adams, Gail B. Lewis, now Gail B. Wooding, Edward H. Lewis, Zora Jordan, Ophelia S. Edwards, Charles Edwards, Lula J. Batteree, nee Edwards, Martha J. Smith, nee Edwards and David L. Edwards as citizens by blood of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902, (32 Stats., 641) and that the petition herein, in so far as it applies to said applicants, should be dismissed and it is so ordered.

I am further of the opinion that the application for the enrollment of Augusta M. Lewis, Anna Cowart, Sarah E. Lewis, Belle Leard and Joseph M. Edwards as citizens by intermarriage of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641) and that the petition herein in so far as same applies to said petitioners should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners Edward M. Lewis, Sarah J. McKibben, Ruth Adams, Leona Tabor, Sallie O. Pryor, Vernon Pryor, Earl Pryor, Frank David Leard, Elihu Venable, Grant McKibben, Barnie Edward Leard, David Leard, Albert Clarence Goodwin, Lindly Blaine Guyer, Edith May Guyer, Fielding Lewis Guyer, Earnest P. Adams and Ida Vadis Adams, whose applications for enrollment have heretofore been dismissed, should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners G. W. McKibben, John L.

Wooding, William Early, William H. Guyer, John Adams, Ludie Leard, wife of Julius Leard, Elisa Leard, Susie Leard, John Venable, Frank Davis, George Clark, A. M. Adams, Preston Early, John Goodwin, Eugene Ratteree, Oscar Smith, Rhoda Cowart, Davie Self and ____ Self, husband of Davie Self, should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Emmett Pryor, Jessie Pryor, Cora Bailey, Samuel Douglass, Ethel Douglass, Henry Munn, Lula Munn, Jesse Lee Guyer, Rosa P. Guyer, Rufus Taber, Roy Leard, Oma Leard, Allice Venable, Jewell Venable, Leeta Ratteree and William H. Hays should be considered as an application for the enrollment of said persons as citizens by blood of the Choctaw Nation under the previsions of the Act of Congress approved April 26, 1906 (34 Stats., 137) and that inasmuch as said applications were not filed within the time limited by the previsions of said Act, the same should be dismissed, and it is so ordered.

I am further of the opinion that the application filed July 23, 1906 and July 24, 1906, for the enrollment of Alva Adams, Theodore Early Goodwin, Clinton L. Wooding, Jessie Fay Guyer and Rosa Lee Guyer and the petition herein in so far as same applies to said applicants should be dismissed, and it is so ordered.

SIGNED Tams Bixby

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

FEB 18 1907

7-3298

Muskogee, Indian Territory, August 15, 1906.

W. H. Guyer,

Ada, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of the affidavits of Zora A. Guyer and J. R. Craig to the birth of Jessie Fay Guyer and Rosa Lee Guyer, children of W. H. and Zora A. Guyer, January 4, 1904 and March 22, 1905, respectively.

Respectfully,

Commissioner.

Choc. Minor 993
Hattie Ann Ivey

M 993

993

MINOR

CHOCTAW

ENROLLMENT

HATTIE ANN IVEY

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26, 1906

993

NEW BORN # 993

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Hattie Ann Ivey

as a citizen of

Choctaw Nation.

Approved ..... 190...

.....
Commissioner.

Born Oct. 27 1902

Act of Congress approved April 26, 1906

Department of the Interior
Commissioner to the Five
Civilized Tribes
Filed May 26, 1906
Tams Bixby Commissioner

CHOCTAW RECEIVED
N.B. 993 May 18, 1906.

A

BIRTH AFFIDAVIT 1906

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Hattie Ann Ivey [Here insert name of child], born on the 27 day of Oct. 1902

Name of Father: Marcus L. Ivey a citizen of the Choctaw Nation.

Name of Mother: Mary E. Ivey a citizen of the Nation.

Tribal enrollment of father Tribal enrollment of mother

Postoffice Roff I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, Mary E Ivey on oath state that I am 42 years of age and a citizen by Mariage, of the Choctaw Nation; that I am the lawful wife of Marcus L Ivey, who is a citizen, by Blood, of the Choctaw Nation; that a Female [Male or Female] child was born to me on 27 day of October, 1902; that said child has been named Hattie Ann Ivey, and was living March 4, 1906.

her
Mary E X Ivey
mark

WITNESSES TO MARK:

[Must be Two Witnesses]
N. A. Steppick
F. S. Sturdevant

Subscribed and sworn to before me this 17 day of May 1906.

(SEAL)

(Signed) John A. Clark
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, C. E. Logan, a Physician, on oath state that I attended on Mary E. Ivey, wife of Marcus L. Ivey on the 27 day of Oct, 1902; that there was born to her on said date a Female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Hattie Ann Ivey

(Signed) C. E. Logan M. D.

WITNESSES TO MARK:

[Must be Two witnesses]

Subscribed and sworn to before me this 17 day of May 1906.

(SEAL)

(Signed) John A. Clark
Notary Public.

23-993.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Hattie Ann Ivey as a citizen of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on May 16, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Hattie Ann Ivey as a citizen of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that Hattie Ann Ivey was born October 27, 1902, and is the daughter of Marcus L. Ivey, who was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on November 28, 1904, in Case No. 75 on the Tishomingo Docket thereof, and Mary E. Ivey, a non-citizen and non-applicant either for enrollment as a citizen of the Choctaw Nation or for identification as a Mississippi Choctaw.

I am of the opinion that Hattie Ann Ivey is not entitled to enrollment as a citizen of the Choctaw Nation, and that the application for her enrollment as such should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

OCT 20 1906

23-993.

Muskogee, Indian Territory, October 20, 1906.

Marcus L. Ivey,

Roff, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Hattie Ann Ivey as a citizen of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl. 23-993.

23-93.

Muskogee, Indian Territory, October 20, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Hattie Ann Ivey as a citizen of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 23-/93.

Muskogee, Indian Territory, October 20, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Hattie Ann Ivey as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, denying said application.

Respectfully,

Tams Bixby

Commissioner.

2 Incl. 25-995.

Through the
Commissioner of Indian Affairs.

KHM

DEPARTMENT OF THE INTERIOR, O.K.

WASHINGTON.

I.T.D. 4102-1907.
D.C. 10925-1907. February 21, 1907.

LPS

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

October 20, 1906, you transmitted the record in the matter of the application for the enrollment of Hattie Ann Ivey as a citizen of the Choctaw Nation, together with your decision of the same date, denying said application.

Reporting February 18, 1907 (and 92935-1906), the Indian Office concurs in your decision, A copy of its letter is enclosed.

Your decision is hereby affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos. Ryan.

First Assistant Secretary.

1 inc. and 2 inc.
for Ind. Of.

A. F. Mc
2-23-07.

Refer in reply to the following:
942/408

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

LAND
(92935-1906)

C O P Y

February 19, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Hattie Ann Ivey as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, adverse to the applicant.

The record shows that on May 18, 1906 application was made to the Commissioner to the Five Civilized Tribes for the enrollment of this applicant as a citizen of the Choctaw Nation. The record further shows that the applicant was born October 27, 1902, and is the daughter of Marcus L. Ivey, who was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on November 2[illegible], 1904, and Mary E. Ivey, a non-citizen.

This case does not come within the Lula West case approved by the Department February 10, 1905, (I.T.D. 10353-1904).

By reason of the provisions of the Act of Congress approved April 26, 1906, (34 Stat.L., 137), the Office concurs in the decision of Commissioner Dixby denying the enrollment of the applicant herein as a citizen of the Choctaw Nation.

Very respectfully,
C. F. Larrabee.
Acting Commissioner.

EHM-LC.

23-993

Muskogee, Indian Territory, April 18, 1907.

Marcus L. Ivey,

Roff, Indian Territory.

Dear Sir:

You are hereby advised that on February 21, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Hattie Ann Ivey as a citizen of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906.

Respectfully,

Commissioner.

23-993

Muskogee, Indian Territory, April 16, 1907.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 21, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Hattie Ann Ivey as a citizen of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906.

Respectfully,

Commissioner.

7-4998

Muskogee, Indian Territory, May 25, 1906.

Marcus L. Ivey,

Reff, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Mary E. Ivey and C. E. Logan M. D., to the birth of Hattie Ann Ivey, child of Marcus L. and Mary E. Ivey, October 27, 1902.

Respectfully,

Acting Commissioner.

Choc. Minor 994

Marvin Clifford Hanley

M994

994

MINOR

CHOCTAW

ENROLLMENT

MARVIN CLIFFORD FINLEY

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26. 1906

994

NEW BORN 994.

100

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Marvin Clifford Hanley

as a citizen of

Choctaw Nation.

Approved..... 190..

.....

Commissioner.

Born Dec. 13, 1904.
Act of Congress approved April 26, 1906.

Department of the Interior,
Commissioner to the Five Civilized Tribes.

F I L E D Jul 20 1906.

(Signed) Tams Bixby Commissioner.

C H O C T A W N.B. 994.
RECEIVED Jun 11 1906.

BIRTH AFFIDAVIT 1997

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Marvin Clifford Hanley [Here insert name of child], born on the 23rd day of December 1904.

Name of Father M. W. Hanley a citizen of the None Nation.

Name of Mother: Mary P. Hanley a citizen of the Choctaw Nation.

Tribal enrollment of father None Tribal enrollment of mother Choctaw

Postoffice Paoli, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
17TH District. }

I, Mary P. Hanley, on oath state that I am Twenty One years of age and a citizen by Blood of the Choctaw Nation; that I am the lawful wife of M. W. Hanley, who is a citizen, by [illegible] of the [illegible] Nation; that a Male [Male or Female] child was born to me on 23rd day of December 1904; that said child has been named Marvin Clifford Hanley and was living March 4, 1906.

Mary P. Hanley

WITNESSES TO MARK:

[Must be Two Witnesses] }

(SEAL)

Subscribed and sworn to before me this 9th day of June 1906.

J. E. Hillman
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
17th District. }

I, W. C. Hattle, a M. D., on oath state that I attended Mary P. Hanley, wife of M. W. Hanley on the 23rd day of December 1904; that there was born to her on said date a Male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Marvin Clifford Hanley

(SEAL)

W. C. Howell M.D.

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 9th day of June 1906.

J. E. Hillman
Notary Public.

23-994.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Marvin Clifford Hanley as a citizen of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on June 11, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Marvin Clifford Hanley as a citizen of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that the applicant, Marvin Clifford Hanley, was born December 23, 1904, and is the son of Mary P. Hanley, who was denied citizenship in the Choctaw Nation, as Mary P. Kirkland, by the Choctaw and Chickasaw Citizenship Court on November 28, 1904, in case number 75 on the Tishomingo Docket thereof, and M. W. Hanley, a non-citizen and non-applicant either for enrollment as a citizen of the Choctaw Nation or for identification as a Mississippi Choctaw.

I am of the opinion that the applicant, Marvin Clifford Hanley, is not entitled to enrollment as a citizen of the Choctaw Nation, and that the application for his enrollment as such should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

OCT 20 1906

23-994.

Muskogee, Indian Territory, October 20, 1906.

M. W. Hanley,

Paoli, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Marvin Clifford Hanley as a citizen of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Registered.

Incl. 23-994.

23-994.

Muskogee, Indian Territory, October 20, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Marvin Clifford Hankey as a citizen of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Incl. 23-994.

A

Muskogee, Indian Territory, October 20, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Marvin Clifford Hanley as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, denying said application.

Respectfully,

SIGN: Tams Bixby
Commissioner.

2 Incl, 23-994.

Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

KLM
O.K.

DC-10928-1907.
I. T. D. 4076-1907.

February 21, 1907.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

October 20, 1906, you transmitted the record in the matter of the application for the enrollment of Marvin Clifford Hanley as a citizen of the Choctaw Nation, together with your decision of the same date, denying said application.

Reporting February 18, 1907 (Land 92931-1906), the Indian Office concurs in your decision. A copy of its letter is enclosed.

Your decision is hereby affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

1 inc. and 2 inc.
for Ind. Of.

AFMc
2-23-07.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

DC-10928-1907.
Land
92931-1906.

February 18, 1907.

C O P Y

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed record of proceedings in the matter of the application for the enrollment of Marvin Clifford Hanley as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, adverse to the applicant.

The record shows that on June 11, 1906 application was made to the Commissioner to the Five Civlized Tribes for the enrollment of this applicant as a citizen of the Choctaw Nation. The record further shows that Marvin Clifford Hanley was born December 23, 1904, and is the son of Mary P. Hanley who was denied citizenship in the Choctaw Nation as "Mary P. Kirkland," by the Choctaw and Chickasaw Citizenship Court on November 28, 1904, and M. W. Hanley, a non-citizen.

This case does not come within the Lula West case approved by the Department February 10, 1905, (I.T.D.10353-1904).

By reason of the provisions of the Act of Congress approved April 26, 1906, (34 Stat.L.,137), the Office concurs in the decision of Commissioner Bixby denying the enrollment of the applicant herein as a citizen of the Choctaw Nation.

KEM-LC..

Very respectfully,

C. F. Larrabee
Acting Commissioner.

D. C. 12853-1907. JP.
LRS. FMR.
I. T. D.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. March 4, 1907.

6124,6146,6152,6158,6170-07.
6192,6992,7002,7266,7270- "
7294,7326,7344,7366,7374- "
7376,7380,7392,7404,7410- "
7414,7418,7442,7472,7478- "
7486,7490,7526,7548,7560- "
7652,7654,7556,7558,7594- "
7652,7654,7666,7678,7680- "
7684,7686,7696,7698,7708- "
7716,7724,7728 7734- "

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw enrollment cases adverse to the applicants are hereby affirmed, viz:

Title of Case.	Date of your letter of transmittal.
Alex and Lee G. Lewis (Freedmen)	February 14, 1907.
Cora Bailey (Freedman)	February 13, 1907.
Virginia and Dave Colbert (Freedmen)	February 12, 1907.
Stella Marlow	February 15, 1907.
Joanna Pollock, et al.,	December 24, 1906.
Ulysis and Sydney Frazier (Freedmen)	February 14, 1907.
Annie and Danier Carter (Freedmen)	February 14, 1907.
Margie Hall (Freedman)	February 16, 1907.
Lavera Perry (Freedman)	February 7, 1907.
Willie and Bennie Roberts	February 6, 1907.
Clarence Vails	February 7, 1907.
Beatrice and Maudie Jeffres (Freedmen)	February 11, 1907.
L. F. Rhoades, et al.,	February 14, 1907.
Airemer Pitchlynn (Freedman)	February 11, 1907.
Henry and Minnie Reed (Freedmen)	February 11, 1907.
Vivian V. and Clyde Parks	February 11, 1907.
Marvin Clifford Manley	February 7, 1907.
Blanche M. Stark, et al.,	February 20, 1907.

Title of Case.	Date of your letter of transmittal.
James M. Law, (Intermarried)	February 6, 1907.
Bell Serna (Miss. Choc)	February 7, 1907.
David and Mariedell Powell (Freedmen)	February 7, 1907.
Sammie Blunt (Freedman)	February 7, 1907.
Clera and Annie Berry (Freedmen)	February 21, 1907.
Robert Thompson (Freedman)	February 21, 1907.
Washington and Hester Anthony (Freedmen)	February 21, 1907.
Ann and Emmett Walsen (Freedmen)	February 21, 1907.
Dee Wilson (Freedman)	February 20, 1907.
Blanch Johnson (Freedman)	February 16, 1907.
Luvena May Everett (Miss. Choc.)	February 23, 1907.
Viola Warrior (Freedman)	February 21, 1907.
Ella Folsom, et al., (Freedmen)	February 21, 1907.
Edward Adamson (Freedman)	February 21, 1907.
Allie May and Amos Williams (Freedmen)	February 21, 1907.
John Ward, et al.	January 23, 1907.
Frank P. Morgan (Intermarried)	January 24, 1907.
Marion James Robins (Freedman)	February 21, 1907.
William C. York, et al.,	January 16, 1907.
William S. Watters, et al.,	February 23, 1907.
Charley Braggs (Freedman)	February 21, 1907.
Mattie Marie Stewart, et al.	February 25, 1907.
Robert McCoy (Freedman)	February 18, 1907.
George Chatman (Freedman)	February 21, 1907.
Louisa Perry (Freedman)	February 19, 1907.
John Albert Pautsky	February 26, 1907.
Nancy F. and Thursey McLarty	February 26, 1907.
Mathes Sheckey,	February 26, 1907.
Albert and Eraer Piggee (Freedmen)	February 26, 1907.
Reling McKinney, et al., (Freedman)	February 26, 1907.

Copies of Indian Office letters submitting your reports and recommending that the decisions be approved, are inclosed.

A copy hereof and all the papers in the above-mentioned cases have been sent to the Indian Office.

Respectfully,

E. A. Hitchcock,

Secretary.

48 inc. and
98 for Ind. Of. with
copy hereof.
AFWe.
2-4-07.

Refer in reply to the following. -Copy-

DEPARTMENT OF THE INTERIOR,

Land.
13722-1907.
D. C. 12853

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby, dated February 7, 1907, transmitting the record relative to the application of Marvin Clifford Hanley, for enrollment as a citizen of the Choctaw or Chickasaw Nation. On February 7, 1907, the Commissioner held that the applicant was not entitled to enrollment.

The decision of the Commissioner has been examined and found to be correct and its approval is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

J. P. B. -NL

23-294

Muskogee, Indian territory, April 20, 1907.

M. W. Hamley,

Paoli, Indian Territory.

Dear Sir:

You are hereby advised that on February 21, 1907, the Secretary of the Interior affirmed the decision of this office of October 20, 1906, denying the application for the enrollment of Marvin Clifford Hamley as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

23-994

Muskogee, Indian territory, April 20, 1907.

Mansfield, McMurray & Cormish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 21, 1907, the Secretary of the Interior affirmed the decision of this office of October 20, 1906, denying the application for the enrollment of Marvin Clifford Hanley as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

Paoli, I.T. June 2d 1906.

Commissioner to The 5 Civilized Tribes,

Muskogee, I.T.

Dear Sirs

You Requested me to give Mary P. Hanleys parents names The time and place of enrollment, The time of enrollment was 1897 at Pauls Valley, before the Daws Commission. She Has no selection of land, Her fauther name was Eldredge Kirkland, Her mother name was Hellen Kirkland.

I will send you the letter you written me, you can refure to in this matter, you will please return this letter to me,

Yours very truly,

M. W. Hanley.

Muskogee, Indian Territory, June 22, 1906.

M. W. Hanley,

Paoli, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Mary P. Hanley and W. C. Hottle to the birth of Marvin Clifford Hanley, child of M. W. and Mary P. Hanley, December 23, 1904.

It is stated in the affidavit of the mother that she is a citizen by blood of the Choctaw Nation. If this is correct you are requested to give the names of her parents, the time and place application was made for her enrollment and if she has selected an allotment of the lands of the Choctaw or Chickasaw Nation give her roll number as the same appears upon her allotment certificate.

Respectfully,

Commissioner.

"-5019

Muskogee, Indian Territory, July 18, 1906.

M. W. Hanley,

Paoli, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter dated June 2, 1906, stating that the names of the parents of your wife, Mary P. Hanley, are Kidredge and Helen Kirkland, and that she was enrolled at Pauls Valley in 1897.

In reply you are advised that this information has enabled this office to identify Mary P. Kirkland as having been denied by the Choctaw-Chickasaw Citizenship Court, and the same has been filed with the affidavits heretofore forwarded to the birth of your child Marvin Clifford Hanley.

There is returned you herewith my letter of June 22, 1906, acknowledging receipt of the affidavits to the birth of your child, as requested.

Respectfully,

WLM.Encl. 18/1

Commissioner.

Choc. Minor 995
Joseph Goins

M995

995

MINOR
CHOCTAW
ENROLLMENT

JOSEPH GOINS

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26, 1906

(over) 995

NEW BORN #995

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

....Joseph Goines.....

as a citizen of

....Choctaw..... Nation.

Approved..... 190...

.....

Commissioner.

Born July 10, 1904

Act of Congress approved
April 26, 1906
Department of the Interior
Commissioner to the Five
Civilized Tribes
Filed Jul 24, 1906
Tams Bixby Commissioner

CHOCTAW RECEIVED
N.B. 995 Jul 18 1906

BIRTH AFFIDAVIT

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Joseph Goines [Here insert name of child], born on the 10 day of July 1904

Name of Father: Joseph C Goines a citizen of the Choctaw Nation.

Name of Mother: Laura Goines a citizen of the Choctaw Nation.

Tribal enrollment of father ..... Tribal enrollment of mother .....

Postoffice Marlow I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, Laura Goines on oath state that I am 41 years of age and a citizen by intermarriage the Choctaw Nation; that I am the lawful wife of Joseph C. Goines, who is a citizen, by blood, of the Choctaw Nation; that a Male [Male or Female] child was born to me on 10 day of July, 1904.; that said child has been named Joseph Goines, and was living March 4, 1906.

(Signed) Laura her x mark Goines

WITNESSES TO MARK:

[Must be Two Witnesses]
Geo T. Putty
W. B. Wymes?

Subscribed and sworn to before me this 17 day of July 1906.

(Signed) Geo T. Putty
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, T. C. Barnes, a physaician, on oath state that I attended on Laura Goines, wife of Joseph C. Goines, on the 10 day of July, 1904.; that there was born to her on said date Male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Joseph Goines

(Signed) T. C. Barnes. M. D.

WITNESSES TO MARK:

[Must be Two Witnesses]
.....
.....

Subscribed and sworn to before me this 17 day of July 1906.

(SEAL)

(Signed) Geo T. Putty
Notary Public.

23-995.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Joseph Goines as a citizen of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on July 18, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Joseph Goines as a citizen of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that Joseph Goines was born July 10, 1904, and is the son of Joseph C. Goines, who was denied citizenship in the Choctaw Nation, as Joseph C. Goins, by the Choctaw and Chickasaw Citizenship Court on June 29, 1904, in Case No. 31 on the Tishomingo Docket thereof, and Laura Goines, a non-citizen and non-applicant either for enrollment as a citizen of the Choctaw Nation or for identification as a Mississippi Choctaw.

I am of the opinion that Joseph Goines is not entitled to enrollment as a citizen of the Choctaw Nation, and that the application for his enrollment as such should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

_____.

23-995.

Muskogee, Indian Territory, October 20, 1906.

Joseph C. Goins,,

Marlow, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Joseph Goins as a citizen of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Registered.

Incl. 23-995.

23-998.

Muskogee, Indian Territory, October 20, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Joseph Haines as a citizen of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Incl. 23-998.

Muskogee, Indian Territory, October 20, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Joseph Coines as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, denying said application.

Respectfully,

Commissioner.

2 Incl. 23-990.

Through the
Commissioner of Indian Affairs.

D.C.11792.
L.R.H.
DIRECT.

J.P.
O.K.

DEPARTMENT OF THE INTERIOR,
WASHINGTON,

I. T. D.
4330, 4348, 4350, 4370, 4376,
4378, 4382, 4400, 4404, 4418,
4426, 4428, 4430, 4440, 4446,
4452, 4500, 4514, 4522, 4536,
4560, 4562, 4578, 4586, 4590,
4596-1907;
21840, 21902, 22520, 24136,
24144, 24148, 24508, 24518,
24572-1906.

February 26, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of Your Letter of Transmittal.
John Roy Banks,	December 21, 1906.
Marie Eveline Heydstum,	December 21, 1906.
Frank Delmer Jones,	October 20, 1906.
Joseph Goines,	October 20, 1906.
Dave Harkins (Freedman),	June 20, 1906.
Adia Simney,	November 20, 1906.
Isabella Goins et al.(Freedman),	June 19, 1906.
Layman Cox, (Miss.Choc.)	January 21, 1907.
K. Dunn, (Miss. Choc.),	January 21, 1907.
Sam E. Williams, et al. (Miss. Choc.)	January 21, 1907.
James Edwards,	November 20, 1906.
Savannah McDonald, et al.,	November 26, 1906
Colbert Pisachubbe,	November 27, 1906.
Vota Wagner et al.,	November 26, 1906.
Viona Savannah Mauldin,	November 27, 1906.
Benjamin Franklin Waggle,	November 24, 1906.
Jessie Washington (Freedman),	December 21, 1906.
Hackey Lee Lane,	December 20, 1906.
Edmond Franklin Barney,	December 19, 1906.

Title of Cases.	Date of your Letter of Transmittal.
Charles Frazier (Freedman),	June 13, 1906.
Joe Gardner, (Freedman),	June 16, 1906.
Mattie Graham (Freedman),	June 9, 1906.
Lavicy Washington (Freedman),	June 16, 1906.
Willie Arrena Haggs,	December 20, 1906.
Jesse Edward Connors,	December 20, 1906.
Samuel Sydney Burris (Jr.),	December 20, 1906.
Claude Franklin Catlin et al.,	June 16, 1906.
Jimmie Brooks et al.,	June 16, 1906.
Delia Carder, et al.,	August 4, 1906.
Eddie Lee Walker, et al.,	June 21, 1906.
Crawford Stidham,	June 21, 1906.
Robert Joseph Kerr,	June 21, 1906.
Georgia E. Wilson et al.,	June 21, 1906.
Ellen A. Dunn et al.,	August 10, 1906.
Savannah Ellis DeLaughter et al.,	June 21, 1906.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

38 inc. and 76 inc.
to Ind. Of. with copy
hereof.

A.F.No.
2-27-07.

LAND
92948-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

C O P Y

February 19, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed record of proceedings in the matter of the application for the enrollment of Joseph Goines as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, adverse to the applicant.

The record shows that on July 18, 1906 application was made to the Commissioner to the Five Civilized Tribes for the enrollment of this applicant as a citizen of the Choctaw Nation. The record further shows that Joseph Goines was born July 10, 1904 and that he is the son of Joseph C. Goines, who was denied citizenship in the Choctaw Nation as "Joseph C. Goins" by the Choctaw and Chickasaw Citizenship Court on June 29, 1904, and of Laura Goines, a non-citizen.

This case does not come within the Lula West case approved by the Department February 10, 1906, (I.T.D. 10353-1904).

By reason of the provisions of the Act of Congress approved April 26, 1906, (34 Stat.L., 138), the Office concurs in the decision of the Commissioner to the Five Civilized Tribes denying the enrollment of Joseph Goines as a citizen of the Choctaw Nation.

Very respectfully,
C. F. Larrabee,
Acting Commissioner.

EMB-LC..

23-995

Muskogee, Indian Territory, April 8, 1907.

Joseph C. Goins,

Marlow , Indian Territory.

Dear Sir:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of October 20, 1906, denying the application for the enrollment of Joseph Goins as a citizen of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Commissioner.

23-995

Muskogee, Indian Territory, April 8, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of October 20, 1906, denying the application for the enrollment of Joseph Goins as a citizen of the Choctaw Nation.

Respectfully,

Geo. D. Rogers.

Commissioner.

7-3581

Muskogee, Indian Territory, July 24, 1906

Joseph Goines,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Laura Goines and T. C. Barnes to the birth of Joseph Goines child of Joseph C. Goines and Laura Goines, July 10, 1904.

Respectfully,

Commissioner.

Choc. Minor 996
Fred Gamblin

M996

996

996

MINOR

CHOCTAW

ENROLLMENT

FRED GAMBLIN

FOR RECORD SEE 7-6068
SEE PETITION # C-52/

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26. 1906

[illegible]

996

June 10, 1909 Parties notified

C- 52
C-126
C- 96
W-182
W-183
W-184
W-181
7-3068
7-3284
7-3285
7-D-430
7-3089
7-3282
7-3054
23-996
23-987
23-933
23-891.

O. L. J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John W. Gamblin, et al., as citizens of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein and from the records in the possession of this office that on September 22, 1898, application was made to the Commission to the Five Civilized Tribes for the enrollment of John W. Gamblin (fifty-two years of age) as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his two children, James W. (twenty-nine years of age), and Hattie L. Gamblin (eighteen years of age), as citizens by blood of said nation; January 4, 1902, application was made for the enrollment of Benny Gamblin (born August 9, 1901) as a citizen by blood of the Choctaw Nation; October 17, 1898, application was made for the enrollment of Eliza Ann Gamblin (forty-eight years of age) as a citizen by blood of the Choctaw Nation; October 17, 1898, application was made for the enrollment of Joseph W. Gamblin (twenty-four years of age), and his minor child, Indianola Gamblin (two years of age), as citizens by blood of the Choctaw Nation, and for the enrollment of Emma Gamblin (thirty-eight years of age) as a citizen by intermarriage of said nation; September 5, 1899, application was made for the enrollment of Lillie Gamblin (seventeen years of age) as a citizen by intermarriage of the Choctaw Nation; September 22, 1898, application was made for the enrollment of Amanda L. Reed (twenty-one years of age), and her minor child, Archie Reed (born April 17, 1898), as citizens by blood of the Choctaw Nation, and on July 23, 1902, application was made for the enrollment of Glenn Reed (born September 10, 1901) as a citizen by blood of said nation; October 17, 1898, application was made for the enrollment of Mary M. Jones (fifty-eight years of age) as a citizen by blood of the Choctaw Nation; September 22, 1898, application was made for the enrollment of Lovie P. Scott (twenty-four years of age), and her four minor children, Hattie W. (seven years of age), Minnie R. (four years of age), Archie M. (two years of age) and Glennis Scott (one year of age), as citizens by blood of the Choctaw Nation; April 13, 1900, application was made for the enrollment of Joseph A. Scott (born December 3, 1899) as a citizen by blood of the Choctaw Nation, and on October 30, 1902, application was made for the enrollment of James I. Scott (born September 8, 1902), as a citizen by blood of said nation.

Applications were made to the Commissioner to the Five Civilized Tribes for the enrollment of the following applicants, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137): On July 12, 1906, for the enrollment of Fred Gamblin (born November 19, 1903); on May 15, 1906, for the enrollment of Roy Scott (born June 8, 1905); on July 23, 1906, for the enrollment of William Doral Skelton (born January 27, 1903); on July 6, 1906, for the enrollment of Ley Skelton (born October 13, 1904; on July 12, 1906, for the enrollment of Annie Mehla Reed (born October 31, 1903); and on July 12, 1906, for the enrollment of Joseph Rexford Reed (born May 29, 1905).

It further appears from the records of this office that the applicants, John W. Gamblin, James W. Gamblin, Mattie L. Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Emma Gamblin, Indianola Gamblin, Amanda L. Reed, Mary M. Jones, Levie F. Scott, Mattie M. Scott, Winnie R. Scott, Archie W. Scott and Glennis Scott, were admitted to citizenship in the Choctaw Nation by the United States Court for the Southern District of Indian Territory, in case No. 148. The applicants, Eliza Ann Gamblin and Glennis Scott, were subsequently stricken from the original judgment of said court.

December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court admitting certain of the above applicants to citizenship in the Choctaw Nation.

Said cause was subsequently certified to the said Choctaw and Chickasaw Citizenship Court for a trial de novo, and on November 28, 1904, in the case entitled "Walter W. Jones, et al., vs. Choctaw and Chickasaw Nations" (Choctaw-Chickasaw Citizenship Court Case No. 107, Tishemingo Docket), rendered its decision therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, ... Mary Malinda Jones . . . . . Levie Francis Scott, or Levie Francis Scott, Mattie Myrtle Scott, Winnie Roberta Scott, Archie McCoy Scott or Archie McCoy Scott, James Walter Gamblin, Joseph Wilbern Gamblin, Indianola Gamblin, Amanda Lutema Gamblin, Mattie Lavinia Gamblin and John W. Gamblin, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, ... Emma Gamblin, Eliza Ann Gamblin, or Eliza Ann Jones, ... Glennis Scott, ... the court having no jurisdiction, their petitions is dismissed."

It does not appear from the records in the possession of this office that any of the applicants who were before the United States Court for the Southern District of Indian Territory in case No. 148, were ever applicants before the Commission to the Five Civilized Tribes in 1896, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321).

January 23, 1908, the Commission to the Five Civilized Tribes entered of record orders dismissing the applications for the enrollment of Benny Gamblin, Archie Reed, Glenn Reed, Joseph A. Scott and James I. Scott as citizens by blood of the Choctaw Nation, for the reason that their parents, through whom they claimed their right to enrollment as citizens of the Choctaw Nation, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

February 1, 1906, said Commission also entered of record an order dismissing the application for the enrollment of Lillie Gamblin, for the reason that James W. Gamblin, through whom she claimed said right, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

February 4, 1906, the Commission to the Five Civilized Tribes denied the application for the enrollment of Glennis Scott as a citizen by blood of the Choctaw Nation, and on March 13, 1906 (I. T. D. 1956-1906), the same was affirmed by the Department.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on March 6, 1906, March 9, 1906, February 20, 1906, and February 6, 1906, petitions praying for the enrollment of Joseph W. (or Joseph) Gamblin, Emma Gamblin, Indianola Gamblin, Orange Dorrance, Issy Dorrance, Eliza Ann Gamblin, John W. (or J. W.) Gamblin, Walter Gamblin, Amanda (or Amanda Lutema) Reed (nee Gamblin), Nettie Skelton (nee Gamblin), George Scott, Lovie Scott, Myrtle (or Nettie Myrtle) Scott, Minnie Roberta (or Bertie) Scott, Archy McCoy (or Archie) Scott, Mary Malinda Jones, Glennis Scott, Joseph H. Scott, James I. Scott, Lillie Gamblin, Benny Gamblin, Fred Gamblin, William D. Skelton, Ida Skelton, Arch Reed, Archie Reed, Glenn Reed and Anna Keller Reed as citizens of the Choctaw Nation.

All of the above named petitioners, with the exception of Orange Dorrance, Issy Dorrance, George Scott and Arch Reed, are identical with the persons for whom application for enrollment as citizens of the Choctaw Nation has either been made under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), or April 26, 1906 (34 Stats., 137).

It does not appear from the record herein or from the records in the possession of this office that any application has ever been made for the enrollment of Orange Dorrance and Issy Dorrance (both of whom were adults on March 4, 1906), children of the applicant, Emma Dorrance, prior to December 1, 1905, nor was any application made for their admission as citizens of the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). Neither has any application ever been made for the enrollment of Arch Reed or George Scott as a citizen by intermarriage of the Choctaw Nation prior to December 1, 1905. This, however, is immaterial, inasmuch as the record herein shows that neither of them has ever been married to the applicants, Amanda L. Reed and Lovie F. Scott, respectively, under a license issued by the tribal authorities of the Choctaw Nation.

It appears from the record herein that the applicants, James W. Gamblin, Nettie L. Gamblin, Joseph W. Gamblin and Amanda L. Reed, are the children of the applicants, John W. Gamblin and Eliza Ann Gamblin; the applicants, Benny Gamblin and Fred Gamblin, are the children of the applicants, James W. Gamblin and Lillie Gamblin; the applicant, Indianola Gamblin, is the daughter of the applicants, Joseph W. Gamblin and Emma Gamblin; the applicants, Archie Reed, Glenn Reed, Annie Kohla Reed and Joseph Rexford Reed, are the children of the applicant, Amanda L. Reed, and Arch Reed, for whom no application has been made; the applicant, Lovie F. Scott, is a daughter of the applicant, Mary W. Jones, and Jim Jones, a non-citizen; the applicants, Nettie M. Scott, Minnie R. Scott, Archie W. Scott, Glennis Scott, Joseph A. Scott, James I. Scott and Roy Scott, are the children of the applicant, Lovie F. Scott, and George W. Scott; and the applicants, William Doral Skelton and Ivy Skelton, are the children of the applicant, Nettie L. Gamblin (now Nettie Lovenia Skelton), and James W. Skelton, a non-citizen.

It further appears from the record herein that John M. Gamblin claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage to the applicant, Eliza Ann Jones, on January 10, 1867, both of said applicants being on the date of said marriage residents of the State of Georgia; that Emma Gamblin claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage on April 7, 1898, to the applicant, Joseph W. Gamblin, said applicants being on the date of said marriage residents of the Chickasaw Nation; and that Lillie Gamblin claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage on July 23, 1899, to the applicant, James Walter Gamblin, both of said applicants being on the date of said marriage residents in good faith of the Chickasaw Nation.

Upon examination of the tribal rolls of the Choctaw Nation in the possession of this office, it appears that the applicants, James W. Gamblin, Hattie L. Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indiamola Gamblin, Amanda L. Reed, Lovie F. Scott, Hattie W. Scott, and Winnie R. Scott, are identified upon the 1896 Choctaw Census Roll, opposite Nos. 4919, 4921, 4915, 4916, 4918, 4920, 11693, 11694, and 11696, respectively, said applicants being enrolled thereon as citizens by blood of the Choctaw Nation. The applicants, John M. Gamblin and Emma Gamblin, are identified upon said roll opposite Nos. 4914 and 4917 respectively. The records in the possession of this office show that said applicants were enrolled upon the 1896 Choctaw Census Roll by the Choctaw Revisory Board in the month of January, 1897.

The applicant, Mary W. Jones, is not identified upon any of the tribal rolls of the Choctaw Nation in the possession of this office, nor has she ever been admitted to Choctaw citizenship by any duly constituted authority.

All of the applicants herein who were living on June 28, 1898, were residents in good faith of the Indian Territory, and the minor applicants for whom application was made for enrollment as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), were living on March 4, 1906.

I am of the opinion that in accordance with the opinions of the Assistant Attorney General for the Department of the Interior of February 10, 1908 (I. T. D. 10383-1904), and December 8, 1908 (I. T. D. 3693-1908), the action of the Choctaw and Chickasaw Citizenship Court denying the applicants herein who were before said court, with the exception of John M. Gamblin, was without authority of law, and of no force and effect upon their status as citizens of the Choctaw Nation.

I am further of the opinion that the orders of the Commission to the Five Civilized Tribes of January 23, 1905, and February 1, 1905, dismissing the applications for the enrollment of Joseph A. Scott, James I. Scott, Archie Reed, Glenn Reed, Benny Gamblin and Lillie Gamblin as citizens of the Choctaw Nation should be rescinded, and it is so ordered.

I am further of the opinion that following the ruling of the Department of March 14, 1906 (I. T. D. 4823-1906), in the case of William C. Thompson, James W. Gamblin, Hattie L. Gamblin, Benny Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indiamola Gamblin, Amanda L. Reed, Archie Reed, Glenn Reed, Lovie F. Scott, Hattie W. Scott, Winnie R. Scott, Archie W. Scott, Joseph A. Scott and James I. Scott should be enrolled as citizens by blood of the Choctaw

Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that Glennis Scott should be enrolled as a citizen by blood of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that inasmuch as Eliza Ann Gamblin was not a recognized citizen of the Choctaw Nation at the time of her marriage to John M. Gamblin, and the latter was never remarried to the former after her tribal recognition under a tribal license, and inasmuch as the applicant, Mary E. Jones, has never been recognized or enrolled as a citizen of the Choctaw Nation, they did not possess such a tribal status in 1896 as would entitle them to enrollment, and therefore, the action of the Choctaw and Chickasaw Citizenship Court denying their applications for citizenship in the Choctaw Nation is final, and I am without authority to take any action looking to their enrollment as citizens of the Choctaw Nation, and that the petition herein in so far as same applies to said applicants should be dismissed, and it is so ordered.

I am further of the opinion that Emma Gamblin and Lillie Gamblin should be enrolled as citizens by intermarriage of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that Fred Gamblin, Roy Scott, William Deral Skelton, Ivy Skelton, Annie Kehla Reed, and Joseph Rexford Reed should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that inasmuch as no application has ever been made for the enrollment of Orange Derrance, Issy Derrance, George Scott and Arch Reed as citizens of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), I am without authority to take any action looking to their enrollment as citizens of the Choctaw Nation, that their petitions should be dismissed, and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

D.C.M.
C.W.W.
File 5-51.
D
6475.

J.W.H.
J.W.H.
W.C.P.
J.W.L.

DEPARTMENT OF THE INTERIOR,
Washington.

March 1, 1909.

Seal. 17077
Office of Indian Affairs,
March 3, 1909.

The Commissioner

to the Five Civilized Tribes.

Sir:

January 25, 1909, you were advised that the names of certain persons were inadvertently included in Departmental letter of January 19, 1909 (File 5-51); that such mistake was due to the fact that it was supposed they were enrolled upon schedules approved by the Department, when in fact, the only schedules upon which their names appear were disapproved, and that no action should be taken under the circumstances looking to the erasure of interlineations or notations, if any, from the disapproved schedules, in connection with their names.

The names of the persons referred to in said letter of January 25, 1909, are as follows:

Choctaws by Blood.

Roll No.	
16103	Elizabeth Allen.
16112	George A. Bumgarner.
16110	Loutitia Crutchfield.
16106	Everett Crutchfield.
16111	George W. Crutchfield.
16105	Ida Crutchfield.

16107	Ina Crutchfield.
16108	Louvinia Crutchfield.
16109	William Crutchfield.
921	Josephine Laflore Long.
922	Wake Laflore Long.
16104	David Ritter.

It now appears from the records of the Secretary's Office that there was a schedule approved May 21, 1904, by the Secretary of the Interior, and that the approval then given was cancelled by said Secretary at a ~~xxxxx~~ later date, to-wit, June 28, 1904.

The name of Elizabeth Allen appears upon the schedule which was approved May 21, 1904, opposite the number 15551. Ida Crutchfield's name appears opposite No. 15553, while the other members of the Crutchfield family were given the numbers immediately following that assigned to her.

You are requested to cause a report to be prepared showing whether the records of your office also show that an earlier schedule containing the names of said persons was approved May 21, 1904; also whether such approval was cancelled June 28, 1904. Please report also the reason for the attempted cancellation, and whether prior notice was given thereof.

It appears further that, in connection with the names of Elizabeth Allen and the Crutchfield family on the roll approved May 21, 1904, the names of Ardella Hickman, Ida M. Southard and Grover Randall are also to be found.

In connection with said names, it is desired that you will report what action, in your opinion, should be taken concerning the first of said persons; also whether the said

Ida M. Southard and Grover Randall, respectively, are identical with the Ida M. Southard whose name appears opposite No. 15880 in the printed rolls of citizens by blood of the Choctaw Nation, and the Grover Randall whose name appears on page 8 of Departmental letter of January 19, 1909 (File 8-51), opposite No. 15928.

As appears from the above list, there were other persons besides the said Allen and Crutchfield whose names were enrolled on schedules which were finally disapproved by the Department: for example, George A. Bumgarner, Josephine Laflore Long and Jake Laflore Long.

Please report whether the names of these persons appear upon any prior approved schedule; also why it was that the Commissioner to the Five Civilized Tribes enrolled them upon the schedule which was disapproved by the Department, showing whether the Commissioner enrolled them thereon, of his own motion, or under decision or instructions from the Department.

By comparison of the roll approved May 21, 1904, with the printed rolls of Choctaws by blood, the Department finds that the numbers appearing thereon opposite the names of said persons were subsequently assigned to other citizens of the Choctaw Nation; thereby the series of roll numbers was kept perfect, but a material portion of the rolls was evidently sacrificed upon the supposition that it had become worthless. Inquiry arises in this connection as to whether there were other approved schedules which were subsequently disapproved and thrown aside.

Accordingly, it is desired, that you also cause a report to be prepared covering this feature of the matter, showing all persons embraced in similar cases, with recommendation as to what action should be taken as to them. This will necessitate a statement as to why their names were stricken or cancelled from the rolls, and whether such action was taken without prior notice.

There is still another matter concerning which the Department desires report to be made. It is observed that the words "No person enrolled at this number" are to be found not infrequently opposite consecutive numbers on the pages of the printed rolls; and you are requested to advise the Department whether such words were substituted for the names of individuals appearing on disapproved schedules, and if such is the case, whether such disapproved schedules were approved at any time by the Department; also whether favorable decisions were ever rendered by the Department as to such persons prior to their enrollment upon such disapproved schedules.

For the sake of expedition, a partial report should be rendered at once concerning the said Elizabeth Allen and the various members of the Crutchfield family named above. The other matters referred to herein can be disposed of by subsequent reports.

Very respectfully,

Jesse E. Wilson,

Assistant Secretary.

Through the

Indian Office.

No. 234.

Department,
Wilson,
Washington, D. C.
March 1, 1909.

Calling attention to Department letter of Jan. 20, 1909 in regard to names of certain persons that were inadvertently included in Department letter of Jan. 19, 1909, Ida Crutchfield, et al.

Land
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DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

WASHINGTON, D.C. Feb. 8-09.
Respectfully referred to the Commissioner to the Five Civilized Tribes, for appropriate action.

John Francis, Jr.
Acting Chief Land Division.

1 Letter dated
Feb. 1, 1909.

D 294-1909

Muskogee, Oklahoma, April 29, 1909.

Subject:

Partial report on Departmental letter of March 1, 1909, relative to certain persons whose names appear on disapproved schedules.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to acknowledge receipt of Departmental letter of March 1, 1909 (File 5-51) in which, among other things, the Department requests reports concerning the persons whose names appear on schedules which were disapproved by the Department, and at whose numbers in the printed roll appears the notation "No person enrolled at this number".

Partial reports have heretofore been made as to certain of these persons and I now have the honor to state that the consolidated Choctaw enrollment case of John H. Gamblin, et al. falls within the class above described, and to report thereon as follows:

It appears from the records of this office that applica-

tions were made to the Commission to the Five Civilized Tribes under the Acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat.,641), for the enrollment as citizens by blood and intermarriage of the Choctaw Nation of the following persons:

John H. Gamblin for enrollment as a citizen by intermarriage, and for the enrollment of his children, James W. Gamblin and Hattie L. Gamblin, and his grandchild, Benny Gamblin, as citizens by blood of the Choctaw Nation; also for the enrollment of Lillie Gamblin, wife of James W. Gamblin, as a citizen by intermarriage of said nation.

Eliza Ann Gamblin for enrollment as a citizen by blood of the Choctaw Nation.

Joseph W. Gamblin for enrollment of himself and his child, Indianola Gamblin, as citizens by blood and for the enrollment of his wife, Emma Gamblin, as a citizen by intermarriage of the Choctaw Nation.

Amanda L. Reed for the enrollment of herself and her children, Archie Reed and Glenn Reed, as citizens by blood of the Choctaw Nation.

Mary M. Jones for enrollment as a citizen by blood of the Choctaw Nation.

Secretary 3

Levie F. Scott for the enrollment of herself and her children, Hattie M. Scott, Minnie R. Scott, Archie M. Scott, Glennis Scott, Joseph A. Scott and James I. Scott, as citizens by blood of the Choctaw Nation.

Applications were made to the Commissioner to the Five Civilized Tribes, under the provisions of the Act of Congress approved April 26, 1906 (34 Stat.,137), for the enrollment of the following minor children as citizens by blood of the Choctaw Nation: Fred Gamblin, Roy Scott, William Deral Skelton, Icy Skelton, Annie Kehla Reed and Joseph Rexford Reed.

It further appears from the records of this office that the applicants, John M. Gamblin, James W. Gamblin, Hattie L. Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Emma Gamblin, Indianola Gamblin, Amanda L. Reed, Mary M. Jones, Levie F. Scott, Hattie M. Scott, Minnie R. Scott, Archie M. Scott and Glennis Scott were admitted to citizenship in the Choctaw Nation by the United States Court for the Southern District of Indian Territory, in Case Number 148 on the Citizenship Docket of said court.

The applicants, Eliza Ann Gamblin and Glennis Scott were subsequently stricken from the original judgment of the court.

December 17, 1902, the Choctaw and Chickasaw Citizenship

Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stat.,641) "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court admitting certain of the above named applicants to citizenship in the Choctaw Nation.

This cause was subsequently certified to the Choctaw and Chickasaw Citizenship Court for a trial de novo, and on November 28, 1904, in the case entitled Walter W. Jones, et al. versus the Choctaw and Chickasaw Nations, Case Number 107 on the Tishomingo Docket, this Court rendered its decree wherein it ordered, adjudged and decreed that the petition of the plaintiffs, Mary Malinda Jones, Levis Francis Scott, or Levie Frandis Scott, Hattie Myrtle Scott, Minnie Roberta Scott, Anlie McCoy Scott or Archie McCoy Scott, James Walter Gamblin, Joseph Wilbern Gamblin, Indianola Gamblin, Amanda Lutema Gamblin, Hattie Lovinia Gamblin and John H. Gamblin be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom, and as to the petitioners, Emma Gamblin, Eliza Ann Gamblin or Eliza Ann Jones, and Glennis Scott, the court having no jurisdiction their petition was dismissed.

The records of this office do not show that any of the applicants who were before the United States Court for the Southern District of Indian Territory in Case Number 148 were applicants before the Commission to the Five Civilized Tribes in 1896, under the provisions of the Act of Congress approved June 10, 1896, although there was filed with the record before said Court, which is now a part of the record in Citizenship Court Case Number 107 on the Tishomingo Docket, an affidavit of U. G. Winn, an attorney at law, Pauls Vallue, Indian Territory, in which he alleges that petitions were by him forwarded to the Commission to the Five Civilized Tribes and the Principal Chief of the Choctaw Nation, as provided by said act, praying for the admission to citizenship of the above named persons.

January 23, 1906, the Commission to the FiveCivilized Tribes entered orders dismissing the applications for the enrollment of Benny Gamblin, Archie Reed, Glenn Reed, Joseph A. Scott and James I. Scott, as citizens by blood of the Choctaw Nation for the reason that the persons through whom they claimed their right to enrollment as citizens of the Choctaw Nation had been denied by the Choctaw and Chickasaw Citizenship Court.

Secretary 6

February 1, 1906, the Commission to the Five Civilized Tribes entered an order dismissing the application for the enrollment of Lillie Gamblin as a citizen by intermarriage of the Choctaw Nation for the reason that her husband, through whom she claimed intermarried rights, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

February 4, 1905, the Commission to the Five Civilized Tribes denied the application for the enrollment of Glennis Scott as a citizen by blood of the Choctaw Nation and March 13, 1905 (I T D 1958-1905) this action of the Commission was affirmed by the Department.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there were filed on February 6, 1906, February 20, 1906, March 6, 1906 and March 9, 1906, petitions praying for the enrollment of Joseph W. Gamblin (or Joseph Gamblin, Emma Gamblin, Indianola Gamblin, Orange Dorrance, Icey Dorrance, Eliza Ann Gamblin, John H. Gamblin (or J. H. Gamblin), Walter Gamblin, Amandy Reed (or Amanda Intoma Reed), nee Gamblin, Hattie Skelton, nee Gamblin, George Scott, Lovie Scott, Myrtle Scott (or Hattie Myrtle Scott), Minnie Roberta Scott (or Bertie Scott), Archy McCoy Scott (or Archie Scott), Mary Melinda Jones, Glennis Scott, Jo-

seph H. Scott, James I. Scott, Lillie Gamblin, Benney Gamblin, Fred Gamblin, William D. Skelton, Icie Skelton, Arch Reed, Archie Reed, Glenn Reed and Anna Keller Reed as citizens of the Choctaw Nation.

All of the above named petitioners, with the exception of Orange Dorrance, Icey Dorrance, George Scott and Arch Reed are identical with the persons for whose enrollment as citizens of the Choctaw Nation application was made under the provisions of the Acts of Congress approved June 28, 1898 or April 26, 1906.

The names of James W. Gamblin, Hattie L. Gamblin, Eliza Ann Gamblin, Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Lovie F.Scott, Hattie M. Scott and Minnie R. Scott are identified upon the 1896 Choctaw Census Roll as citizens by blood and John H. Gamblin and Emma Gamblin as citizens by intermarriage. The records show, however, that they were enrolled upon said roll by the Choctaw Revisory Board in the month of January, 1897.

February 14, 1907, the Commissioner to the Five Civilized Tribes rendered a decision holding, in accordance with the opinions of the Assistant Attorney General for the Department of the Interior of February 10, 1905 (I T D 10358-1904) and December 8, 1905 (I T D 3693-1905) the action of the Choctaw

and Chickasaw Citizenship Court denying the applicants herein who were before said court, with the exception of John H. Gamblin, was without authority of law and of no force and effect upon their status as citizens of the Choctaw Nation.

The decision of February 14, 1907, rescinded the orders of the Commission to the Five Civilized Tribes of January 23, 1905 and February 1, 1905, dismissing the applications for the enrollment of Joseph A. Scott, James I. Scott, Archie Reed, Glenn Reed, Benny Gamblin and Lillie Gamblin as citizens of the Choctaw Nation, and, following the ruling of the Department of March 16, 1906 (I T D 4222-1906) in the case of William C. Thompson, et al., granted the applications for the enrollment of James W. Gamblin, Hattie L. Gamblin, Benny Gamblin, Eliza Ann Gamblin , Joseph W. Gamblin, Indianola Gamblin, Amanda L. Reed, Archie Reed, Glenn Reed, Lovie F. Scott, Hattie M. Scott, Minnie R. Scott, Archie M. Scott, Joseph A. Scott, James I. Scott and Glennis Scott as citizens by blood and Emma Gamblin and Lillie Gamblin as citizens by intermarriage of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 and July 1, 1902.

This decision also granted the applications for the enrollment of Fred Gamblin, Roy Scott, William Deral Skelton, Ivy Skelton, Annie Kehla Reed and Joseph Rexford Reed as

minor citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906.

The petitions for the enrollment of Mohn H. Gamblin, Mary M. Jones, Orange Dorrance, Icey Dorrance, George Scott and Arch Reed were dismissed by the same decision.

February 15, 1907, the record and proceedings, together with the decision of the Commissioner of February 14, 1907, were forwarded the Department. There were also transmitted at the same time schedules of citizens by blood and marriage of the Choctaw Nation composed of the persons whose applications for enrollment were granted in said decision, as follows:

Choctaws by blood . . . .Numbers 16181 to 16196, inclusive
Choctaws by marriage . . Numbers 1651 and 1652.
Minor Choctaws by blood Numbers 923 to 928, inclusive.

This case was analogous to the case of Mattie Shockley, et al. (Loula West case), in which this office had been directed to suspend action until the Attorney General had passed upon the questions involved in that case, but inasmuch as the time within which persons could be enrolled and their enrollment approved by the Secretary of the Interior, under the provisions of the Act of Congress approved April 26, 1906, was becoming very short, the schedules above described were prepared by this office, without waiting for the opinion of the

Attorney General, and were forwarded to the Department, in order that, if the opinion of the Attorney General were favorable, the rights of these applicants might be protected without delay, and this office requested, in the event of such favorable opinion of the Attorney General, that these schedules should be approved by the Secretary of the Interior.

February 26, 1907, referring to Departmental letter of February 23, 1907 (I T D 4564-1907) requesting this office to forward a list of those persons whose enrollment should be cancelled in view of the opinion of the Attorney General of February 19, 1907, in the Choctaw enrollment cases of Loula West and William C. Thompson, et al., the Commissioner to the Five Civilized Tribes called the attention of the Department to the schedules above described, which were forwarded February 15, 1907, and advised that this case was analogous to the case of Loula West and recommended that the decision of the Commissioner to the Five Civilized Tribes of February 14, 1907, be not approved by the Department and that the schedulestransmitted with office letter of February 15, 1907, be disapproved by the Secretary of the Interior.

February 28, 1907 (Land 18014-1907) the Indian Office transmitted the record in the case of John H. Gamblin and

the schedules forwarded with office letter of February 15, 1907, and recommended, in view of the opinion of the Attorney General of the United States of February 19, 1907, in the cases of Loula West and Myrtle Randolph, analagous hereto, that the applicants in this case be all denied enrollment and their applications dismissed and that the schedules containing the names of these persons be disapproved.

March 1, 1907 (I T D 5740-1907) the Department concurred in the recommendation of the Indian Office and denied the right to enrollment of all the applicants in the consolidated Choctaw enrollment case of John H. Gamblin, etal. and disapproved the schedules bearing their names.

March 4, 1907 (I T D 6916-1907), referring to office letter of February 26, 1907, relative to the Choctaw enrollment case of John H. Gamblin, et al., the Department advised that the schedules mentioned therein had been disapproved March 1, 1907.

Inasmuch as these persons were not upon an approved roll of citizens by blood and marriage of the Choctaw Nation, no formal allotments were made to them, and it does not appear that applications were made by them for the purpose of instituting contests for lands in the Choctaw-Chickasaw country.

Secretary 12

This office has no record of any favorable action ever having been taken by the Department as to the persons whose names appear in the consolidated Choctaw enrollment case of John H. Gamblin, et al.

September 16, 1907, the Department called the attention of the Indian Office to Departmental letter of August 29, 1907 (D 492), in the last paragraph of which the cases of August (Angus A.) Spring, et al. and John H. Gamblin, et al. are touched upon. This paragraph contains the following)

> "and theirs must stand as unadjudicated applications and claims to right t o enrollment, the merits of which are to be considered by Congress or by the tribunal to which it (Congress) may commit them, or such tribunal as may now have jurisdiction".

The specific facts in the case of John H. Gamblin, et al. are then touched upon and the Indian Office is requested to forward a report, as early as practicable, as to the advisability of delay in beginning ejectment proceedings until the next session of Congress which may perhaps pass upon their case.

October 3, 1907 (I T 73379,76867-1907. File 053) the Indian Office reported that it saw no reason why the cases of these persons should be brought to Congress or any relief

sought by the Department from that source, and the Acting Commissioner of Indian Affairs did not believe that the removal of the families of Gamblin and Spring from the lands then occupied by them should be longer delayed.

October 4, 1907 this recommendation was approved by the First Assistant Secretary of the Interior.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

AB

Land
34734-1909
J M D

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs G.R.

Enrollment case of
John H. Gamblin et al.

Washington. Jun 4 1909

The Commissioner to the

Five Civilized Tribes,

Muskogee, Oklahoma.

Sir:

Referring to your report of April 29, 1909, relative to the Choctaw enrollment case of John H. Gamblin, et al., you are advised that on June 1, 1909, the Department held that the case mentioned is not analogous to that of John R. Goldsby and does not come within the principles announced by the Supreme Court of the United States in its decision of November 30, 1908 in that case (211 U. S. 249). The Department therefore declined to take any action looking to the enrollment of any of the applicants in the case of John H. Gamblin, et al., as citizens of the Choctaw Nation. A copy of approved Office letter of May 28, 1909, is inclosed for your further information. You are requested to notify the proper parties of this action of the Department.

Very respectfully,

C. F. Hauke.

Chief Clerk.

JC-3
1788

Land
3 4734-1909
J I D

Enrollment case of John
H. Gamblin et al.

May 29 1909

The Honorable,

The Secretary of the Interior,

Sir:

Referring to Department letter of March 1, 1909 (File 5-51) there is transmitted herewith a report of April 29, 1909, from the Commissioner to the Five Civilized Tribes, relative to the Choctaw enrollment case of John H. Gamblin et al. Other papers are also inclosed.

The Commissioner reports that his office has no record of any favorable action ever having been taken by the Department as to the applicants in the above mentioned case.

The Office is of the opinion that the case of John H. Gamblin et al. is not analogous to that of John H. Goldsby (211 U.S. 249), and therefore recommends that the Department take no action looking to the enrollment of any of the applicants therein.

Very respectfully,

GGP
1511

(Signed) R. G. Valentine,

Acting Commissioner.

APPROVED: June 1, 1909.

Frank Pierce,

First Assistant Secretary.

Choctaw 6072

Muskogee, Oklahoma, June 10, 1909.

Mrs. Hattie L. Skelton,

Comanche, Oklahoma,

Madam:

You are hereby advised that on June 1, 1909, the Secretary of the Interior held that the Choctaw enrollment case of John H. Gamblin, et al. is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the United States Supreme Court of November 30, 1908, in said Goldsby case.

Respectfully,

Acting Commissioner.

AB

7--5058.

Muskogee, Indian Territory, May 8, 1905.

James W. Gamblin,

Duncan, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Lillie Gamblin and Dr. J. T. Wharton to the birth of Fred Gamblin, son of James Walter and Lillie Gamblin, November 18, 1903.

It appears from our records that you have been denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court, and that on February 1, 1906, the Commission dismissed the application for the enrollment of your wife, Lillie Gamblin, as an intermarried citizen of the Choctaw Nation, andunder the provisions of the act of Congress approved March 3, 1905, the Commission was authorized for a period of sixty days from that date to receive applications for the enrollment of children born to citizens by blood of the Choctaw and Chickasaw Nations, whose enrollment had been approved by the Secretary of the Interior prior to that date.

You will therefore see that the Commission is without authority to enroll your child.

Respectfully,

Commissioner in Charge.

7-5058

Muskogee, Indian Territory, July 24, 1906.

James Walter Gamblin,

Duncan, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Lillie Gamblin and J. T. Wharton to the birth of Benny Gamblin and Fred Gamblin, children of James Walter Gamblin and Lillie Gamblin, August 9, 1901 and November 19, 1903, respectively.

Respectfully,

Commissioner.

Choc. Minor 997
Ula Vercia Gregory

M997

997 997

MINOR

CHOCTAW

ENROLLMENT.

[illegible] VIRGIA [illegible]SORY

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26. 1906

997

[illegible] [illegible]

NEW BORN #997
190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....Ula Virgia Gregory.....

as a citizen of

.....CHOCTAW..... Nation.

Approved..... 190...

.....

Commissioner.

Born March 26, 1906

Act of Congress approved
April 26, 1906

Department of the Interior
Commissioner to the Five
Civilized Tribes.
Filed Aug 16 1906
Tams Bixby Commissioner

CHOCTAW RECEIVED JUL 23 1906
N. B. 997.

B[illegible] AFFIDAVIT 1/9

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Ula Vircia Gregory [Here insert name of child], born on the 26 day of March 1905

Name of Father: J. H. Gregory a citizen of the Choctaw Nation.

Name of Mother: M. E. Gregory a citizen of the Choctaw Nation.

Tribal enrollment of father Choctaw Tribal enrollment of mother Choctaw

Postoffice Wapanucka I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, M. E. Gregory, on oath state that I am 22 years of age and a citizen by Marriage, of the Choctaw Nation; that I am the lawful wife of J. H. Gregory, who is a citizen, by Blood, of the Choctaw Nation; that a female [Male or Female] child was born to me on 26 day of March, 1905.; that said child has been named Ula Vircia Gregory, and was living March 4, 1906.

(Signed) M. E. Gregory

WITNESSES TO MARK:

[Must be Two Witnesses] .....
.....

Subscribed and sworn to before me this 21 day of March 1906.

(SEAL)

(Signed) A. A. Faulk
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Rebeca E. Powell, a Mid Wife, on oath state that I attended on M. E. Gregory, wife of J. H. Gregory on the 26 day of March, 1905; that there was born to her on said date a Female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Ula Vircia Gregory

her
Rebeca E. x Powell
mark

WITNESSES TO MARK:

[Must be Two Witnesses] J. W. Hickman
J. W. Skaen

Subscribed and sworn to before me this 21 day of March 1906.

(SEAL)

(Signed) A. A. Faulk
Notary Public.

NEW BORN #997
190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....Ula Virgia Gregory.....

as a citizen of

.....CHOCTAW..... Nation.

Approved..... 190...

.....

Commissioner.

Born March 26, 1906

Act of Congress approved
April 26, 1906

Department of the Interior
Commissioner to the Five
Civilized Tribes.
Filed Aug 16 1906
Tams Bixby Commissioner

CHOCTAW RECEIVED JUL 23 1906
N. B. 997.

BIRTH AFFIDAVIT 1905

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Ula Vircia Gregory [Here insert name of child], born on the 26 day of March 1905

Name of Father: J. H. Gregory a citizen of the Choctaw Nation.

Name of Mother: M. E. Gregory a citizen of the Choctaw Nation.

Tribal enrollment of father Choctaw Tribal enrollment of mother Choctaw

Postoffice Wapanucka I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, M. E. Gregory, on oath state that I am 22 years of age and a citizen by Marriage, of the Choctaw Nation; that I am the lawful wife of J. H. Gregory, who is a citizen, by Blood, of the Choctaw Nation; that a female [Male or Female] child was born to me on 26 day of March, 1905.; that said child has been named Ula Vircia Gregory, and was living March 4, 1906.

(Signed) M. E. Gregory

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 21 day of March 1906.

(SEAL) (Signed) A. A. Faulk
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Rebeca R. Powell, a Mid Wife, on oath state that I attended on M. E. Gregory, wife of J. H. Gregory on the 26 day of March, 1905; that there was born to her on said date a female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Ula Vircia Gregory

her
Rebeca R. x Powell
mark

WITNESSES TO MARK:

[Must be Two Witnesses] J. W. Hickman
J. W. Skaen

Subscribed and sworn to before me this 21 day of March 1906.

(SEAL) (Signed) A. A. Faulk
Notary Public.

23-997.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ula Vircia Gregory as a citizen of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on July 23, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Ula Vircia Gregory as a citizen of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that Ula Vircia Gregory was born March 26, 1905, and is the daughter of J. M. Gregory, who was denied citizenship in the Choctaw Nation, as John M. Gregory, by the Choctaw and Chickasaw Citizenship Court on November 28, 1904, in Case No. 75 on the Tishomingo Docket thereof, and M. E. Gregory, a non-citizen and non-applicant either for enrollment as a citizen of the Choctaw Nation or for identification as a Mississippi Choctaw.

I am of the opinion that Ula Vircia Gregory is not entitled to enrollment as a citizen of the Choctaw Nation, and that the application for her enrollment as such should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

_____.

23-997.

Muskogee, Indian Territory, October 20, 1 06.

John L. Gregory,

Wapanucka, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1 06, denying the application for the enrollment of Ila Virgia Gregory as a citizen of the Chickasaw Nation under the provisions of the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Registered.

Incl. 23-997.

23-997.

Muskogee, Indian Territory, October 20, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

McAlester, Indian Territ ry.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 20, 1906, denying the application for the enrollment of Ula Circia Gregory as a citizen of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Incl. 23-997.

Muskogee, Indian Territory, October 20, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Ula Virgia Gregory as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, denying said application.

Respectfully,

Tams Bixby

Commissioner.

2 Incl. 23-997.

Through the
Commissioner of Indian Affairs.

C R W

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

D.C. 10770-1907.
I.T.D. 3806-1907.

February 20, 1907.

L RS.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

October 20, 1906, you transmitted the record in the matter of the application for the enrollment of Ula Vircia Gregory as a citizen of the Choctaw Nation, including your decision of the same date, adverse to the applicant.

Reporting February 16, 1907 (Land 92945-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos Ryan.
First Assistant Secretary.

1 inc. and 2 to Ind Of.
A F Mc
2-21-07.

Refer in reply to the following.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

D. C. 10670-1907. WASHINGTON.
LAND
92945-1906. February 16, 1907.

COPY

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application of Ula Vircia Gregory for enrollment as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1906, adverse to the applicatn.

The record shows that on July 23, 1906 application was made to the Commissioner to the Five Civilized Tribes for the enrollment of this applicant as a citizen of the Choctaw Nation. The record further shows that she was born March 26, 1905, and is the daughter of W.E. Gregory, who was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court, as "John H. Gregory," on November 28, 1904, and W. E. Gregory, a non-citizen.

This case does not come within the Lula West case, approved by the Department February 10, 1905, (I.T.D. 10353-1904).

By reason of the provisions of the Act of Congress approved April 26, 1906, (34 Stat.,L.137), the Office concurs in the

decision of the Commissioner to the Five Civilized Tribes denying the enrollment of Ula Vircia Gregory as a citizen of the Choctaw Nation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBM-LC.

23-997

Muskogee, Indian Territory, April 17, 1907.

John H. Gregory,

Wapanucka, Indian Territory.

Dear Sir:

You are hereby advised that on February 20, 1907, the Secretary of the Interior affirmed the decision of this office of October 20, 1907, denying the application for the enrollment of Ula Virgia Gregory as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

23-097

Muskogee, Indian Territory, April 17, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 20, 1907, the Secretary of the Interior affirmed the decision of this office of October 20, 1906, denying the application for the enrollment of Ula Virgia Gregory as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

7-4996

Muskogee, Indian Territory, August 15, 1906.

J. H. Gregory,

Wapanucka, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of the affidavits of M. E. Gregory and Rebeca E. Powell to the birth of Ula Viroia Gregory, child of J. H. and M. E. Gregory, March 26, 1905.

Respectfully,

Commissioner.

Choc. Minor 998

Floyd Hurst Humphrey

Gladys "

M998

998

MINOR

CHOCTAW

ENROLLMENT

FLOYD HURST HUMPHREY

GLADYS "

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26, 1906

998

C- 109
7-5265
7-5266
7-5267
7-5268
23- 998
23-1015.

COPY. W. C. P.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of WILLIAM B. HILL, et al., as citizens of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes at Colbert, Indian Territory, October 13, 1898, by Louis Hill for the enrollment (among others) of William B. Hill and Joseph L. Blegg as citizens by blood of the Choctaw Nation; that on the same date application was made to the Commission to the Five Civilized Tribes by Elizabeth Palmer for the enrollment of herself and her children, George A. Palmer, Lee H. Palmer, Earl A. Palmer, and Josie A. Palmer, as citizens by blood of the Choctaw Nation; that on February 23, 1901, written application was filed for the enrollment of Netty May Palmer, minor daughter of Augustus A. Palmer and Paralee Elizabeth Palmer, as a citizen by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Colbert, Indian Territory, October 13, 1898, by J. Wesley Hill for the enrollment of himself and his minor children, Birtie B. Hill and William L. Hill, as citizens by blood of the Choctaw Nation; that on October 30, 1899, application was made for the enrollment of Fairlee Jane Hill, and on November 25, 1901, application was made for the enrollment of Roy Velt Hill, minor children of J. Wesley Hill and Dollie Hill, as citizens by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Colbert, Indian Territory, October 13, 1898, by G. J. Humphrey for the enrollment of himself and his minor children, William Humphrey, Cullis M. Humphrey and Emmett L. Humphrey, as citizens by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Atoka, Indian Territory, December 7, 1900, by Willie O. Humphrey for the enrollment of herself as a citizen by intermarriage of the Choctaw Nation; that on November 21, 1901, written application was filed for the enrollment of Johnson Humphrey, minor son of George J. Humphrey and Willie O. Humphrey, as a citizen by blood of the Choctaw Nation.

On July 18, 1906, written applications were filed for the enrollment of Floyd Hurst Humphrey (born October 6, 1903), and Gladys Humphrey (born July 24, 1905), children of G. J. Humphrey and Willie Ollie Humphrey, as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

On July 21, 1906, written application was filed for the enrollment of Leon Augustus Palmer (born October 2, 1904), child of George A. Palmer and Maggie Pearl Palmer, as a citizen by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 9, 1896, for the admission of the following applicants as citizens of the Choctaw Nation, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321): Elizabeth Palmer (as P. Elizabeth Palmer, nee Hill), George A. Palmer (as George Allen Palmer), Lee H. Palmer (as Lee Palmer), Karl A. Palmer (as E. Arthur Palmer), J. Wesley Hill, Birtie B. Hill (as Birdie Bell Hill), Joseph L. Blegg (as Joseph Lewis Blogg), and William B. Hill (as W. B. Hill). On December 1, 1896, said application was denied by the Commission (1896 Choctaw Citizenship Case No. 61).

It further appears that on September 9, 1896, application was made to the Commission to the Five Civilized Tribes for the admission of G. J. Humphrey (as G. J. Humphreys), Cullis M. Humphrey (as Cullus Monroe Humphreys), William Humphrey (as William Walter Humphreys), and Emmett L. Humphrey (as Emet Lewis Humphreys) as citizens by blood of the Choctaw Nation. On December 8, 1896, said application was denied by the Commission (1896 Choctaw Citizenship Case No. 1364).

From these decisions of the Commission appeal was taken to the United States Court for the Central District of Indian Territory, said cases being consolidated on appeal, and on August 26, 1897, said United States Court reversed the decisions of the Commission and admitted said applicants to citizenship in the Choctaw Nation.

The judgment of the United States Court was subsequently vacated, set aside and held for naught by a decree of the Choctaw-Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al".

Said cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo, which Court, on November 28, 1904, in the case entitled "Louis Hill, et al., vs. Choctaw and Chickasaw Nations" (Choctaw-Chickasaw Citizenship Court Case No. 132, Tishomingo Docket), rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, G. J. Humphreys or Humphrey, Elliet S. Humphreys or Elliet Leroy Humphrey, Wm. W. Humphreys of William Walter Humphrey, Cullus Humphreys or Cullus Monroe Humphrey, Joseph Lewis Blog or Joseph Lewis Blogg, W. B. Hill or W. B. Hill, Elizabeth Palmer, Georgia Allen Palmer, Lee H. Palmer, Karl Palmer, Bertie Bell Hill, and J. W. Hill or J. Wesley Hill, be denied, and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom, and as to the petitioners, Jessi Palmer, Nettie May Palmer, Wm. Lafayette Hill or William Fayette Hill, Perilee Hill and Ray Velt Hill, the Court having no jurisdiction, their petition is dismissed".

On January 24, 1905, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Josie Allen Palmer, Nettie May Palmer, William L. Hill, Pairlee Jane Hill, Roy Velt Hill, William Ollie Humphrey and Johnson Humphrey, for the reason that the citizenship of the persons through whom said applicants claim their right to enrollment had been adversely determined by the Choctaw and Chickasaw Citizenship Court.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes on January 2, 1906, there was filed on March 22, 1906, by Thomas Norman, attorney for the petitioners, a petition praying for the enrollment of W. B. Hill, Dollie Hill, Willie Hill, Paralee Hill, Roy Hill, Bertie Hill (nee Morris), Bertie Gipson (nee Hill), T. J. Blagg, Joseph Lewis Blagg, Paralee Elizabeth Palmer, A. A. Palmer, George Palmer, Lee Palmer, Josie Palmer, Nettie M. Palmer, Earl Palmer, Pearl Palmer, Leon Augusta Palmer, George J. Humphrey, Willie O. Humphrey, William W. Humphrey, Cullis M. Humphrey, Emmett L. Humphrey, Johnson Humphrey, Floyd H. Humphrey and Gladys Humphrey as citizens of the Choctaw Nation.

Said petitioners, except Dollie Hill, Bertie Hill (nee Morris), T. J. Blagg, A. A. Palmer and Pearl Palmer, are identical with the persons for whose enrollment as citizens of the Choctaw Nation application was made under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and April 26, 1906 (34 Stats., 137).

This office has no record of any application ever having been made for the enrollment of the petitioners, Dollie Hill, Bertie Hill (nee Morris), T. J. Blagg, A. A. Palmer and Pearl Palmer, as citizens of the Choctaw Nation prior to the filing of the petition herein.

The record herein shows that the petitioners' claim to a right to enrollment as citizens of the Choctaw Nation is based upon the allegation that the petitioners, Wesley Hill, W. B. Hill and Paralee Elizabeth Palmer, among other members of the family of Louis Hill, were admitted to citizenship in the Choctaw Nation in November, 1886 or 1889, by the United States Indian Agent, on an appeal from an adverse decision of the Choctaw Council.

It does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes thatany of the petitioners were ever enrolled as citizens of the Choctaw Nation by the tribal authorities of said nation. Their names do not appear on any of the tribal rolls of the Choctaw Nation in the possession of this office.

The record herein indicates that a decision was rendered by the United States Indian Agent in the matter of the application of Louis Hill, et al., for admission to citizenship in the Choctaw Nation. The record fails to show, however, that the petitioners were admitted to citizenship in the Choctaw Nation by said Indian Agent, or that said petitioners ever occupied such a status as would entitle them to enrollment as citizens of the Choctaw Nation.

I am, therefore, of the opinion that the action of the Choctaw-Chickasaw Citizenship Court of December 17, 1902, is final, and that the application for the enrollment of William B. Hill, Joseph L. Blagg, Elizabeth Palmer, George A. Palmer, Lee M. Palmer, Earl A. Palmer, J. Wesley Hill, Bertie B. Hill (now Gipson), G. J. Humphrey, William Humphrey, Cullis M. Humphrey and Emmett L. Humphrey, and the petition herein in so far as same applies to said applicants, should be denied, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Willie O. Humphrey, Johnson Humphrey, Willie (or William L.) Hill, Paralee (or Pairlee Jane) Hill, Roy (or Roy Velt) Hill, Josie (or Josie A.) Palmer and Nettie M. (or Netty May) Palmer, whose applications for enrollment as citizens of the Choctaw Nation have heretofore been dismissed by the Commission to the Five Civilized Tribes, should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein, in so far as same applies to the petitioners, Dollie Hill, Bertie Hill (nee Morris), T. J. Blagg, A. A. Palmer and Pearl Palmer, for whose enrollment as citizens of the Choctaw Nation no application was made prior to December 1, 1905, should be dismissed, and it is so ordered.

I am further of the opinion that the applications filed July 18, 1906, and July 21, 1906, for the enrollment of Leon Augustus Palmer, Floyd Hurst Humphrey and Gladys Humphrey as citizens by blood of the Choctaw Nation, and the petition herein in so far as it applies to said applicants, should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

(Signed) Tams Bixby,

Commissioner.

Muskogee, Indian Territory,

Feb. 23, 1907.

7-5268

Muskogee, Indian Territory, July 24, 1906.

George J. Humphreys,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Willie O. Humphreys and W. Hardy to the birth of Floyd Hurst Humphreys and Gladys Humphreys, children of George J. Humphreys and Willie O. Humphreys, October 6, 1903 and July 24, 1905, respectively.

Respectfully,

Commissioner.

Choc. Minor 999

Joshua Impson
Lillie "
Frank "

M999

999

MINOR

CHOCTAW

ENROLLMENT

JOSHUA EPSON

LILLIE "

FRANK "

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26, 1906

GRANTED JAN 12 1907

Chickasaw Freedmen Card 1071.

IN RE application of Lucy Impson and others.

(See testimony of Turner Harris, Chickasaw Freedmen Card 1072).

Lucy Impson
Joshua Impson
Lillie Impson
Frank Impson

enrolled.

Boft.

Chickasaw Freedmen Card 1072.

IN RE application of Turner Burris.

Sworn by Commissioner McKennon,

Turner Burris says:

I am 28. My mother Joanna Turner belonged to John Reed. My wife is a U. S. citizen. I have no children by her. I have a sister by the same mother: Lucy Impson, 20. Her husband is dead. He was a Choctaw. Her children are: Joshua, 8; Lillie, 7; and Frank, 4.

COLBERT OCT 12, 98

Turner Burris

enrolled.

C O P Y.

CERTIFIED COPY OF MARRIAGE CERTIFICATE:

WHEREAS, According to Law, a man named Morris Impson, woman named Lucy these came before me and I have joined them in marriage. This the 9th day of February 1898. Jacks Fork County, C. N.

Marriage ceremony performed by:

Rev. Benjamin Baker.

Witness my hand and seal this the 18th day of Nov A. D. 1904.

Geo. C. Farr,
Clerk of County Court.

(L.S.)

Jefferson D. Ward, being duly sworn, on oath, states that the above ~~and~~ is a full true and correct translation from the Choctaw into the English language of what purports to be marriage certificate issued to Morris Impson and Lucy by Rev. Benjamin Baker, dated November 9, 1898.

Jefferson. D. Ward

Subscribed and sworn to before, this November 30, 1904.

E Crosthwait
Notary Public.

(SEAL)

Chas. T. Difendafer being first duly sworn states that the above and foregoing is a full, true and correct copy of the original translation now on file with the Commission.

Chas T Difendafer

Subscribed and sworn to before me this 6th day of December 1904.

Edward L Briant

Notary Public.

C O P Y.

Certified Copy of Marriage Certificate.

Nan vlhpisa pulla hatuk mako Hatak hohchifo Morris Impson Ohoyo hoh chifo Lucy illvpak okvt satikba vla na ittihalallichilishke.

Himak nitak February 9th 1898. Jacks - Fork County C. N.

Ittihalvllichi - Rev. Benjamin Baker.

Witness my hand and seal this 18th day of Nov. A. D. 1904.

Geo C. Parr
Clerk of County Court (SEAL)

INDORSED:
19-1071

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
F I L E D
NOV 29 1904
Tams Bixby Chairman

Chas. T. Difendafer being first duly sworn states that the above and foregoing is a full, true and correct copy of a certified copy of marriage Cert.[illegible] now on file with the Commission.

Chas. T. Difendafer

Subscribed and sworn to before me this 6th day of December 1904.

Edward E. Friend

Notary Public.

23-999.

Muskogee, Indian Territory, December 20, 1906.

Chilion Riley,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant, requesting an early decision in the matter of the application for the enrollment of Joshua, Frank and Lillie Impson as citizens of the Choctaw Nation.

In reply thereto you are advised that this matter is now receiving the consideration of the Commissioner, and no doubt a decision will be rendered therein at an early date.

Respectfully,

Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

;;;;;;;;;

Commissioner to the
Five Civilized Tribes.
Sir:

Your petitioner, Morris Impson, respectfully represents that he is a citizen by blood of the Choctaw tribe of Indians and his enrollment as such approved by the Honorable Secretary of the Interior, and now appears upon the final roll of citizens by blood of the Choctaw Nation opposite number 5198.

Your petitioner further represents that he was lawfully married to Lucy Impson, and from the date of said marriage to the present has lived with her continuously as his wife; that she is a Chickasaw freedwoman, duly enrolled as such and her name now appears upon the approved roll of Chickasaw freedmen opposite number 4617; that there has been born to him, by his said wife Lucy Impson, four children, namely, Joshua Impson, Frank Impson, Lillie Impson and Susie Burris Impson.

Your petitioner further represents that the last named child, Susie Burris Impson, is duly enrolled as a citizen by blood of the Choctaw Nation and her enrollment approved by the Honorable Secretary of the Interior upon the final roll of Choctaw citizens by blood opposite number 15785.

#2

Your petitioner further represents that the three first named children, Joshua Impson, Frank Impson and Lillie Impson, have been listed for enrollment by the Commission to the Five Civilized Tribes as Chickasaw freedmen which was done without the consent or knowledge of your petitioner.

Your petitioner states that these three children have fully as much Indian blood as Susie Burris Impson now on the Indian roll; that petitioner is the father of all three of said children, a citizen by blood of the Choctaw Nation and enrolled as such; that at the time he made his application for enrollment he gave to the Commission to the Five Civilized Tribes the names of said Joshua, Frank and Lillie Impson and asked that they be enrolled as Indians by blood, but that the Commission to the Five Civilized Tribes, acting under a policy adopted by it, held over the protest of your petitioner that said children must take the status of their mother, and they were, therefore, listed as Chickasaw Freedmen.

WHEREFORE, Your petitioner respectfully asks that these three children be transferred from the list of Chickasaw Freedmen to straight Choctaws by blood and that they be finally enrolled as citizens of the Choctaw Nation of Indian blood.

Respectfully submitted,

witness
H. C. Harrison
Willie Rowe
Chilson Riley

his
x Morris Impson
mark
Petitioner.

Attorney for Petitioner.

#3

Morris Impson, being duly sworn states that he has read the foregoing petition and that the matters and facts therein set forth are true.

witness. his
H E Harrison x Morris Impson
Mitte Hamby mark

Subscribed and swern to before me this the 15 day of January, A. D. 1906.

x Wm Harrison
Notary Public.

my Commission expires Dec 27 1907

Chilion Riley,

Atterney for Petitioner.

Ardmore, Indian Territory.

Fred V. Kinkade being first duly sworn on oath states that he transmitted to Mansfield, McMurray & Cornish, South McAlester, Indian Territory, atterneys for the Choctaw and Chickasaw Nations, a carbon copy of above petition by registered mail; that the attached registry receipt is for letter in which said copy was transmitted.

Fred V Kinkade

Subscribed and swern to before me this the 22 day of January, A. D. 1906.

Robert Lee Rennels
Notary Public.

U. S. Registered Mails go to every ... office in the world. ... vide for safe transit and ... delivery. ... and parcels may be registered at any ... of any post-office station. ... all be registered by letter carriers ... official districts of cities. Letters ... shall be registered by rural carriers ...

U. S. P. O. Registry Receipt.

Letter (Parcel) No. 54 P. O., 1-22

Received for registration 190 6, from C Riley

addressed to Mansfield McM & C So McAlester I.T.

1 [illegible] Postmaster, per C

In Re enrollment of
Joshua, Frank & Lillie
Simpson as Choctaws

JAN 20 1906

Chilion Riley
Attorney for Pet.
Ardmore I.T.

NEW BORN

199

IN RE
Application for Enrollment of
MINOR CHILD
Act of Congress Approved
April 26, 1906.

Joshua Simpson

as a citizen of

Choctaw Nation.

Approved. FEB 11 1907 190...

Commissioner.

Born Jan. 5, 1890

ACT OF CONGRESS APPROVED APRIL 26, 1906.

JUN 18 1906

Notify Chilion Riley,
19-1011 Ardmore, Indian Terry.,
CHOCTAW of all action taken hereon.
Karonia

RECEIVED
JUN 7 1906

BIRTH AFFIDAVIT. 109

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Joshua Impson born on the ... day of ...
[Here insert name of child]

Name of Father: Morris Impson a citizen of the Choctaw Nation.

Name of Mother: Lucy Impson — a citizen of the Choctaw Nation.

Tribal enrollment of father ... Tribal enrollment of mother ...

Postoffice Kasoma, Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Lucy Impson on oath state that I am ... years of age and a citizen by ~~Marriage~~ Intermarriage of the Chickasaw Nation; that I am the lawful wife of Morris Impson who is a citizen, by blood of the Choctaw Nation; that a male [Male or Female] child was born to me on 5th day of January 1890.; that said child has been named Joshua Impson and was living March 4, 1906. ~~Louise Lucy~~ Doctor wife of James Doctor attended me ~~but~~ she is now dead

Lucy her ~~Mark~~ Impson

WITNESSES TO MARK:

[Must be Two Witnesses] { Solomon Ford
Andrew Clay

Subscribed and sworn to before me this 28th day of May 1906.

B J Johnson
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, James Doctor a citizen by ~~Marriage~~ Intermarriage of Lucy Impson on oath state that I ~~was in daily attendance~~ attended on Mrs Lucy Impson wife of Morris Impson on the 5th day of Jany 1890.; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Joshua Impson

James Doctor

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 28th day of May 1906.

My Commission Exp. 27th 1908.

B J Johnson
Notary Public.

NEW BORN

No. _____ 190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Lillie Simpson

as a citizen of

Choctaw Nation.

Approved..... 190...

.....

Commissioner.

Born March 10, 1891

ACT OF CONGRESS APPROVED APRIL 26, 1906.

DEPT. OF THE INTERIOR

JUN 18 1906

By _____

Notify Chilion Riley,
Ardmore, Indian Terry.,
of all action taken herein.

19-1071
CHOCTAW Second

RECEIVED
JUN 7 1906

BIRTH AFFIDAVIT.

199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Lillie Impson (Here insert name of child) born on the ... day of ... 1...

Name of Father: Morris Impson a citizen of the Choctaw Nation.

Name of Mother: Lucy Impson a citizen of the ... Nation.

Tribal enrollment of father ... Tribal enrollment of mother ...

Postoffice Kasoma, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Central — District.

I, Lucy Impson, on oath state that I am ... years of age and a citizen by ~~adoption~~ of the Choctaw Nation; that I am the lawful wife of Morris Impson, who is a citizen, by blood, of the Choctaw Nation; that a female child was born to me on ~~about~~ 10th day of March 1891; that said child has been named Lillie Impson who attended me is now dead. and was living March 4, 1906. Louisa Clay

Lucy X Impson
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { C. M. Woodall
Andrew Clay

Subscribed and sworn to before me this 28th day of May 1906.

B S Johnson
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Central — District.

I, James Doctor ~~who his signs his name with~~ brother of Lucy Impson, on oath state that I ~~attended on~~ Mrs Lucy Impson wife of Morris Impson ~~about~~ on the 10th day of March 1891; that there was born to her on said date a female child; that said child was living March 4, 1906, and is said to have been named Lillie Impson

James Doctor

WITNESSES TO MARK:

[Must be Two witnesses] { .....
.....

Subscribed and sworn to before me this 28th day of May 1906.

My Comm. Exp. June 7th 1908

B S Johnson
Notary Public.

NEW BORN

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Frank Impson

as a citizen of

Choctaw Nation.

Approved..... 190...

.....

Commissioner.

Born Sept. 9, 1894

ACT OF CONG... 26, 1906

JUN ... 1906

Notify Chilion Riley,
Ardmore, Indian Terry.,
of all action taken hereon.

CHOCTAW
12071
Tacoma 25

RECEIVED
JUN 7 1906

BIRTH AFFIDAVIT. /99

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Frank Impson born on the ....day of .....
[Here insert name of child]

Name of Father: Morris Impson a citizen of the Choctaw Nation.

Name of Mother Lucy Impson a citizen of the.... Nation.

Tribal enrollment of father.....Tribal enrollment of mother.....

Postoffice Kasoma, Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Lucy Impson on oath state that I am
~~adoption~~ Freedman
years of age and a citizen by ~~adoption~~, of the Chickasaw Nation;

that I am the lawful wife of Morris Impson, who is a citizen, by

blood of the Choctaw Nation; that a male child was
[Male or Female]

born to me on 9th day of Sept 1899; that said child has been named

Frank Impson and was living March 4, 1906. Sissy Doctor
who attended me at birth is now dead.

her
Lucy x Impson
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { Solomon Jones
Andrew Clay.

Subscribed and sworn to before me this 28th day of May 1906.

B S Johnson
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, James Doctor brother of Lucy Impson, on oath state that I
was in home with
~~attended on~~ Mrs Lucy Impson, wife of Morris Impson

on the 9th day of Sept 1899 that there was born to her on said date a male
[Male or Female]

child; that said child was living March 4, 1906, and is said to have been named Frank
Impson

James Doctor

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 28th day of May 1906.

My Com Expires 8/7th 1908 B S Johnson
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
DURANT, INDIAN TERRITORY, MAY 28, 1906.

IN THE MATTER OF THE APPLICATION for the enrollment of Joshua, Lillie and Frank Impson as citizens by blood of the Choctaw Nation.

APPEARANCES: Chilian Riley, Attorney at Law, Ardmore, Indian Territory, appears on behalf of the applicants. No appearance on behalf of the Choctaw and Chickasaw Nations.

MORRIS IMPSON, being duly sworn testified as follows through Solomon Joel, interpreter.

BY THE COMMISSIONER:

Q How old are you? A 55 years old.
Q What is your postoffice address? A Kosoma.
Q Did you, on January 25, 1906, file with the Commissioner to the Five Civilized Tribes a petition praying that your three children, Joshua, Lillie and Frank Impson be enrolled as citizens by blood of the Choctaw Nation?
Q Did you make application to the Commissioner to the Five Civilized Tribes in 1896 to have these children enrolled as citizens by blood of the Choctaw Nation---10 years ago.
A I don't remember now.
Q Did you ever make application for the enrollment of these three children as citizens by blood of the Choctaw Nation?
A I don't remember what time, or what year. But I went to Tuscahoma to enroll, and that Commissioner told me I was enrolled by my mother's children.
Q Was that all the conversation you had with the Commissioner at that time? A Yes sir.
Q Did you mention the names of the children, each one of them?
A No sir.
Q Is that the only thing you have ever done looking to the enrollment of these children as citizens by blood of the Choctaw Nation? A Yes sir, I just tried to get these children enrolled as Choctaws by blood.

A I went over and asked the Commissioner, and he told me they couldn't enroll them that way.
Q Couldn't enroll them what way? (Interpreter) A By Choctaw blood.
Q When you asked the Commissioner about the enrollment of these children, did he state anything about whether they should be enrolled as freedmen or citizens by blood?
A The Commissioner told me the reason they couldn't enroll those children by blood, is that they would have to enroll the mother's side, his wife.
Q Is that the only thing you have ever done looking to the enrollment of these children in any way? A Yes sir, that is all I have ever done.
Q Did you ever write to the Commissioner to the Five Civilized Tribes, asking that these children be enrolled as citizens by blood of the Choctaw Nation? A No sir; never did write to the Commissioner about it. Because I couldn't write.
Q Did you ever have any one else write for you? A No sir, never did get anybody to write a letter for me to the Commissioner.
Q Have you any written evidence of any nature, showing that an application had been made for the enrollment of these children as citizens by blood of the Choctaw Nation?
A No sir; I haven't got no paper, or nothing of that kind.

BY MR. RILEY:

There is no contention that there was ever any other application made for the enrollment of these children, except the personal application made by Morris Impson to the enrolling party of the Commission at Tuscahoma, in December, 1902.

BY THE COMMISSIONER:

Q Where was the Commission located when you went to Tuscahoma?
A The Commissioner met up there in Tuscahoma due east from the depot, right close to an old store house.---Ishwood store house.
Q Were they in the building or outside? A Inside the house.
Q Who did you see, do you remember who it was, when you appeared there? A I seen a good many people there, but I don't remember.
Q Do you speak English at all? A No sir, I can't speak a word in English.
Q How did you make yourself known to the Commission at that time? A By an interpreter at that time.
Q Who was he? A Old colored man up there, named Watson Brown.

Q Did you talk to the interpreter? A Yes sir, I talked to the interpreter.
Q Did he interpret what you said to the Commissioner? A Yes sir.
Q And then did Watson Brown tell you what the Commissioner said?
A Yes sir, Watson told me what the Commissioner said.
Q Did you tell the Commissioner that your wife was a freed woman?
A No sir, never told the Commissioner my wife was afreed woman.
Q How did the Commissioner come to tell you your children were already enrolled? A I heard those children were enrolled.
Q He himself heard they were enrolled? (Interpreter) A Yes sir, when he was there at the Commissioner.
Q Who told you that? A When I went there and talking to this big, fat white fellow there, an old man, he told me my children were enrolled; enrolled by my wife.
Q Did you apply for yourself at that time, or had you already made application? A When I first went there I thought I would get those children enrolled, and found out that they were already enrolled. I didn't know what to do about it. I just come home.
Q When did you make application for yourself, before or after that time? A I went to Antlers and enrolled myself.
Q Was that before or after you were at Tuscahoma? A Before I went to Tuscahoma.
Q You didn't ask that your children be enrolled while you were at Antlers?, A Why we went there---the reason we didn't try to enroll our children we didn't have no interpreter with me.
Q Who was with you when you appeared at Tuscahoma? A Whole crowd of us; don't remember who all there was with us. He was with us.
Q Who was he? A George Clay.
Q Was there any body in your neighborhood down at Tuscahoma that day? A No sir; I didn't see no body else but this boy, my close neighbor.
Q Was he in the building at the time you appeared before the Commissioner? (Interpreter) A You mean inside the building?
Q Yes? A Yes sir.
Q Did he go in with you? A Yes sir, he went in with me.
Q What season of the year was this, fall,winter, summer or spring?
A I think in the winter time.
Q Can you fix it more definite than that? Don't you know what month? ---- Do you know what month it is now?
A April.
Q Was it before or after Christmas? A I can't tell you.
Q Do you know what month Christmas comes in? A The reason why I know it is, the people were talking to me when Christmas comes.
Q Do you know what month Christmas comes in? A I guess it is December.
Q Just what did you say when you went into the office of the Commissioner and asked about your children? Just state as near as you can the questions you asked to be transmitted through the interpreter? (Interpreter) A You want him to talk just like he did to the Commissioner?

Q Just the words he used? A I don't remember what time or what month when I went to Tuscahoma. When I went into the Commissioner's room I asked the Commissioner that I wanted to enroll my children---I wanted my children enrolled by him----The Commissioner told me my children was already enrolled by my wife; told me he couldn't enroll again. He says already enrolled. That is all the Commissioner told me.
Q What is the name of your wife? A Lucy.
Q Are you the father of Joshua, Lillie and Frank Impson?
A Yes sir.

The witness, Morris Impson, is identified as No. 5198 on the final roll of citizens by blood of the Choctaw Nation, approved by the Secretary of the Interior January 16, 1903, field card No. 1829.

Q How long have you been living with Lucy Impson? A Good many years since we have been together, but I don't know how long.
Q About how long before the birth of Joshua, the oldest child, were you living together? A I think about two years we was living together.
Q Before Joshua was born? (Interpreter) A Yes sir.
Q Had you been married to Lucy at this time? A No sir; wasn't married at that time.
Q Wasn't married? (Interpreter) A No sir.
Q Were you living together in the same house? A Yes sir.
Q Did you hold her out as your wife? A Yes sir.
Q Did every body in your community recognize you as husband and wife? A Yes sir.
Q Has Lucy Impson lived with you continuously since two years before the birth of Joshua? Have you lived with Lucy all the time? A No sir; wasn't married to this woman. I would go over to see her once in a while. I have a place of my own, but I go to see her once in a while before I carried her over to my house.
Q Did you take her over to your house before Joshua was born?
A I took her over to my house after Joshua was born.
Q How long after? A I don't remember how long.
Q One crop, or two crops or five crops? A I don't remember how long after; her come and brought a child about so high (indicating).
Q Was Lillie born when you took Lucy over to your house?
A All these three children was born before I took her to my house.
Q Did you ever live with any other woman besides Lucy?
A Yes sir, I have got a woman that lives at my house as my wife. I was married to this woman and another woman.
Q Are you living with her now? A No sir. She has been dead along time ago.
Q Was she dead when you commenced living with Lucy? A No sir, before she died.
Q You lived with her before your wife died? A Yes sir; the reason why I didn't take her to my house is I have a wife at my own house.

Q Couldn't keep them together? (Interpreter) A No sir.
Q Did Lucy Impson live with any man before she lived with Morris (the witness)? (Interpreter) A Before she commenced living with him?
Q Yes? A No sir, I don't know.
Q How far did Lucy live from you before you brought her over to your home? A Ten miles.
Q Do you feel positive that Joshua, Lillie and Frank are your children? A Yes sir, I believe they are my children..
Q Was any other man going to see Lucy while you were going there?
A I don't know. The reason why I think these children belong to me is I don't think any body goes to see her.
Q Did you always recognize these children as your own?
A Yes sir.
Q Have you supported them since they were born? A Yes sir; I always supported them children.
Q What was your wife's name before you married her? (Interpreter) A This woman?
Q Yes? A She was called by the name of Lucy Burris.
Q Was Joshua ever known by the name of Joshua Burris? Did he go by that name before you married Lucy? A No sir; Joshua didn't go by the name of Joshua Burris.
Q Who named him? A I don't know; I can't tell who named him.
Q Who was Lucy living with before you took her to yourself?
Q She was staying with Jimmie.
Q Jimmie what? A Jimmie Doctor.
Q Was Jimmie Doctor married? A She was staying there with Jimmie Doctor. Jimmie Doctor has a wife. Jimmie Doctor is her brother.

BY MR. RILEY: Half brother.

BY THE COMMISSIONER:

Q Since you took Lucy over to your house have you lived together all the time in the same house? A Yes sir; after I took Lucy over to my house we have been living together since.
Q Did you ever marry Lucy? A Yes sir.
Q Do you know when that was? A I don't remember what year I was married.
Q Who married you? A Benjamin Baker married us.
Q Why didn't you marry Lucy before? A The reason why I couldn't marry her is because I have a living wife.
Q Were all these three children born before your lawful wife died? A I think all these children were born before my wife died. I don't know for sure; I think these children were born before my wife died.
Q Did your first wife know about these children before she died?
A Yes sir, she knows of these children.
Q Did she know that you claimed them as yours? A Yes sir, she knows that they was my children.

BY MR. RILEY:

Q Morris after your wife, first wife, died you married Lucy then, didn't you? A Yes sir.
Q You took Lucy and these three children to your house and kept them there after she died? A Yes sir.
Q Have you always claimed these three children, Joshua, Lillie and Frank to be your children by Lucy? A Yes sir; I always claimed these children.
Q Every body in the neighborhood knows you claimed them, did they?
A Yes sir; every body in that whole community knows that I claim these children.
Q Did your first wife die before you married Lucy? Did you give her any gift or any provision to help support her along? A Yes sir, I always supported them.
Q These children are living with you now? A Yes sir.
Q Have they always lived with you and you have taken care of them since you and Lucy were married? A No sir; never been any where at all. They always stayed right there with me. I have kept them and supported them ever since they were brought to my house.

We desire at this time to offer in evidence certified copy of the marriage certificate of Morris Impson to his wife Lucy, which is on file in the application of Lucy Impson and others as Chickasaw freedmen, being No. 1071; and at this time we desire to call attention and have reference made to Section 2525 of Chapter 48 of Mansfield's Digest of the Laws of Arkansas.

(Witness dismissed)

ANDREW CLAY, being duly sworn testified through Solomon Joel, interpreter, as follows:

BY MR. RILEY:

Q What is your name? A Andrew Clay.
Q How old are you Andrew? A 24.
Q What is your postoffice address? A Ti.
Q Do you know Morris Impson? A Yes sir, I know him.
Q How long have you known him, Andrew? I have known him ever since I was big enough to recollect anything.
Q Were you present at Tuscahoma at any time when Morris Impson was before the Commissioner to the Five Civilized Tribes, the Dawes Commission? A Yes sir.

Q When was it, if you remember the year? A 1902.
Q What month, if you remember the month? A In December.
Q Do you remember the day of the month? A I don't remember.
Q Were you present when Morris went up before the Commissioner?
A Yes sir, I went in with him in the building.
Q What did Morris Impson say to the Commission about his children?
A When Morris went in the building, and asked the Commissioner he wanted those children on the roll on his side, by the Choctaw, and they asked the Commissioner, and the Commissioner told him all those children was already enrolled by the mother's side.
Q Did the Commissioner ask Morris the names of his children?
A Yes sir, the Commissioner asked him the names.
Q Did the Commissioner ask him the names of the children before they told Morris he couldn't enroll them; that they were already enrolled? A Morris went in and asked the Commissioner and asked him and told him the names of the children and the Commissioner looked at the enrollment and found those names was already enrolled, and told Morris he couldn't change it; they was already enrolled by the mother's side.
Q What did Morris do then? A Didn't do anything. He found out they was already enrolled, he just never said anything.
Q Did he leave the building then? A We went out of the building.
Q What was the names of the children that Morris gave to the Commissioner? A He told the Commissioner the names of Joshua, and the next one Lillie and then Frank. That child there (indicating smallest one of the three children) was born right there during the year. We went there and tried to get those children enrolled, and the reason why he found out his wife had already enrolled it, and so he just come back.
Q What child do you mean, this youngest child, what is her name?
A Susie.

BY THE COMMISSIONER:

Q What were you doing at Tuscahoma at that time? A We went there to see the Commissioner, and we heard of this dead claim, you know. My mother's name was on the roll, and I went over to see if I could get the names enrolled.
Q Was your mother dead? A Yes sir, she is.
Q Where was the Commission located when you were at Tuscahoma?
A They all was in that house.
Q Were you in the building when Morris came in, or did you come in with him?
A I come in with him.
Q How did you happen to be with him? A How is that?
Q How did you happen to be with him? A I lived on the other side of where he lived, he come up by my house, and I went with him.

Q Did you come home together? A Yes sir.
Q How many days were you there at Tuscahoma? A When me and Morris were up there we got through the same day. I come home. Morris had to stay at the Choctaw Council up there.
Q Did you and Morris go to Tuscahoma together? A Yes sir, we went together.
Q Who did Morris talk to when he went into the building where the Commissioner was? A I don't remember who he was talking to when he went in.
Q Was he a white man? A He was talking to a white man, but I don't know who he was.
Q Did Morris speak English? A When I went in there he went to talk to this white man, but he couldn't speak a word of English, and they got Watson Brown to interpret for him.
Q Is Watson Brown living now? A I don't know if there ---- but I think he is living up here at Wilburton. It is a long ways from where I live.
Q Could you speak English at that time? A No sir; I couldn't speak any English.
Q Did you understand English at that time? A I understand some words---a few words then.
Q How did you know what the Commissioner said in reply?
A The reason why I caught on to it was the interpreter was talking to Morris.
Q Did you testify on that date in any matter pending before the Commissioner? A Yes sir, I testified before the Commissioner about my dead mother.
Q Did they take your testimony down in writing? A Yes sir.
Q What is your mother's name? A Louisa Clay.
Q Choctaw by blood? A Yes sir, Choctaw by blood.
Q What year was it this all took place? A In December, 1902.
Q Was it before or after Christmas? A Just a little before Christmas.
Q About how long, a week or ten days? A To my best recollection, just about one week before.

(Witness dismissed).

MORRIS IMPSON, recalled:

BY THE COMMISSIONER:

Q Do you know when the Supplementary Treaty was ratified?
A I don't know.
Q Did you ever vote for governor? A Yes sir, I always voted.
Q Did you vote when Hunter and McCurtain were running for governor? A I went to the voting precinct and voted.
Q Who was elected? A Green McCurtain was elected.

Q Did you appear before the Commissioner at Tuscahoma before you voted or after you voted? A I don't remember; may be after the last election day was over; I don't remember, may be it was near that time.
Q Had you been to the Commissioner to see about these children a year or two years or three years before you voted? (No answer).
Q Was Susie Burris living when you made the application to the Commissioner at Tuscahoma for these three children, Joshua, Lillie and Frank? A No sir, before she was born.
Q Was that the only time you ever made application for these three children---any kind of an application; that one time at Tuscahoma? A Yes sir, that is the only time I went ever before the Commissioner trying to get these children enrolled.

(witness dismissed).

LUCY IMPSON, being duly sworn testified as follows, through Solomon Joel, interpreter:

BY THE COMMISSIONER:

Q What is your name? A Lucy.
Q Lucy what? A Lucy Impson.
Q How old are you? A I don't know, I can't tell how old I am.
Q About 30? A Just guess it, I think about 30.
Q Are you the mother of Joshua, Lillie and Frank Impson?
A Yes sir.
Q Who is the father of these children? A Morris.
Q Morris Impson? A Yes sir.
Q How long have you been married to Morris Impson? A I don't know; I don't remember how long since we married.
Q Were you ever married before you married Morris? A No sir.
Q Was Morris married before he was married to you? A Yes sir, he had been married before I married him.
Q Was his wife living when your first child, Joshua was born?
A Yes sir.
Q Was she also living when Lillie and Frank were born? A Yes sir, Morris' wife was living then?
Q You didn't live in the same house with Morris then before his wife died? A No, I didn't live in the same house with Morris before his wife died.
Q Did you live with any other man before you lived with Morris?
A No.
Q Did you ever have anything to do with any other man before you married him? A No, I didn't have anything to do with any other man before I commenced living with Morris.
Q Are you positive that Morris Impson is the father of your children? A Yes, those children are Morris Impson's children.

Q Did any other man come to see you for about a year before Joshua was born up to the present time----have any relation with you? A No sir, no body never did go to see me before this Joshua was born.
Q Who supported these children before Morri's wife died?
A Morris has always supported these children.
Q Did he give you money? A Yes sir.
Q How much would he give you? A I don't remember how much he would give, but he always supported those children and give me some money.
Q Have the people in the community in which you live recognized these children as the children of Morris Impson?
A Yes sir, the neighborhood and all---
Q Did Morri's first wife know that you had these children?
A Morris' wife knew these children.
Q Did you go to see Morris' first wife while she was living with Morris? A Yes, I used to go over to see Morris' wife once in awhile.
Q Did she know that Morris claimed these children as his?
A Yes, she knows that Morris claimed these children.
Q What did she say about it? A One time those children and Mr. Impson's wife met up around the house place, and Morri's wife told them they ought to mind their father, and what they ought to do, and wanted those children to mind their father.
Q Did you ever attempt to have these children enrolled by the Choctaw tribal authorities? A No sir.
Q Did you ever draw the 1893 leased district money for any of these children---strip payment money? A No, never drawed no money.
Q Have these children been recognized by the Choctaw tribal authorities as citizens in any manner? A How is that?
Q Have any of these children been recognized by the Choctaw tribal authorities? A I don't know.

BY MR. RILEY:

Q Has Morris Impson also recognized these three children as his children? A Yes sir.
Q Who are these children living with since you and Morris married? A Living there with their parents.
Q Living with their parents? A Yes sir.
Q That is they live with you and Morris, do they? A Yes sir.
Q Where do you live--you and Morris, do you live in the Choctaw Nation? A Lives in the Choctaw.
Q Have you and Morris and these children lived in the Choctaw Nation ever since you and Morris was married?
A Yes sir.
Q Have these children always, ever since they were born, lived in the Choctaw Nation? A Yes sir.

(Witness dismissed).

MORRIS IMPSON, recalled:

BY THE COMMISSIONER:

Q Did you draw the 1893 leased district money for these children--Strip payment? A No sir, never drawed money for these children.
Q Did you ask that these children be enrolled in 1893 and get the money?---Did you ever draw any money for these children at any time? A No sir, never drawed any money for these children.
Q In what county have these children lived all their lives?
A Jacks Fork.
Q Do you remember the 1896 census roll; when they were making a list of the Indians in 1896? A I remember, but I don't know what time it was; I don't know what year.
Q Did you try to get these children on that roll? A Yes sir.
Q What did they tell you? A Went over there to try to enroll these children, and they told me they couldn't enroll them, because they already enrolled.
Q You are speaking now about the Dawes Commission, are you not? (No answer).

(Witness dismissed).

BY MR. RILEY:

On behalf of the petitioners in this case, we ask that reference be made to Choctaw roll card, field No. 1829, wherein Morris Impson and his daughter Susie Burris Impson appear, and on said card there is a notation as follows:

"No. 1 is the husband of Lucy Impson and father of her children on Chickasaw freedmen card No. 1071";

which notation appears to have been made upon December 9, 1902.

We also ask that reference be made to Chickasaw freedmen roll card No. 1071 wherein these three children, the petitioners, are listed for enrollment as Chickasaw freedmen, and on the back of said card it is shown that the father of these three children is Morris Impson, Choctaw Indian.

On behalf of the petitioners we ask leave hereafter to file birth affidavits in compliance with the Act of Congress of April 26, 1906 (Public No. 129); and that the application of these petitioners to be transferred and enrolled as Choctaws by blood be considered in reference to said Act, as well as under any previous Acts of Congress, under which they may be entitled to be enrolled.

(Chilion Riley, Attorney at Law, Ardmore, Indian Territory, attorney for the applicants, requests that a copy of this testimony be forwarded him at Ardmore, Indian Territory.)

S. T. Wright, being first duly sworn, states that he is a stenographer to the Commissioner to the Five Civilized Tribes, and reported in full the proceedings had in the above entitled cause on the 28th day of May, 1906, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

S. T. Wright

Subscribed and sworn to before me this the 4th day of June, 1906.

Edward Merrick
Notary Public.

19-1071.
F.33.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:O:-

In the matter of the application for the enrollment of Joshua Impson, Lillie Impson and Frank Impson as citizens of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that on October 12, 1898, at Colbert, Indian Territory, Lucy Impson appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself and her three minor children, Joshua Impson, Lillie Impson and Frank Impson as Chickasaw Freedmen.

On January 23, 1906, under the rules and regulations adopted by the Commissioner to the Five Civilized Tribes, on January 2, 1906, there was filed by Chilion Riley attorney for the petitioner, the petition of Morris Impson, praying that the names of the said Joshua Impson, Lillie Impson and Frank Impson, his children, "Be transferred from the list of Chickasaw Freedmen to straight Choctaws by blood and that they be finally enrolled as citizens of the Choctaw Nation of Indian blood." Proceedings were had in the matter of said petition at Durant, Indian Territory, on May 28, 1906.

On June 18, 1906, there was filed in this office applications for the enrollment of the said Joshua Impson, Lillie Impson and Frank Impson as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (Public No. 129).

It is clearly established by the evidence that the applicants, Joshua Impson, (born January 5, 1890), Lillie Impson, (born March 10, 1891), and Frank Impson, (born September 9, 1894) are the children of Morris Impson, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as No. 5198 upon a list prepared by the Commission to the Five Civilized Tribes, under the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on January 16, 1903, and Lucy Impson, a recognized and enrolled freedman of the Chickasaw Nation, whose name appears as No. 4517, upon a list prepared by said Commission, under said Act of Congress approved July 1, 1902 of persons entitled to enrollment as freedmen of the Chickasaw Nation and approved by the Secretary of the Interior, on November 16, 1904, and that said applicants were living on March 4, 1906.

It is further clearly established by the evidence, that the said applicants were born out of lawful wedlock, that after the birth of said children, the said Morris Impson and Lucy Impson were lawfully married on February 9, 1898, that prior to said

marriage the said Morris Impson recognized said children to be his and that he supported them; that since said marriage he, Morris Impson, has duly acknowledged and recognized the applicants as his children.

Section 2525 of Mansfield Digest of the laws of Arkansas and applicable to the Indian Territory, provides as follows;

"If a man have by a woman a child or children, and afterward shall intermarry with her and shall recognize such children to be his, they shall be deemed and considered as legitimate."

I am, therefore, of the opinion that Joshua Impson, Lillie Impson and Frank Impson should be enrolled as citizens by blood of the Choctaw Nation in accordance with the provisions of the Acts of Congress approved June 28, 1898, (30 Stats., 495) and of April 26, 1906 (Public No. 129), and it is so ordered.

Commissioner.

JAN 14 1907

Muskogee, Indian Territory.

19-1071

COPY.

Muskogee, Indian Territory, January 12, 1907.

Lucy Impson,

Kaema, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 12, 1907, granting the applications for the enrollment of Joshua Impson, Lillie Impson, and Frank Impson as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against their enrollment. If at the expiration of that time no protest has been filed, the name of Joshua Impson, Lillie Impson, and Frank Impson will be placed upon the final roll of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.
Incl. 19-1071.

19-1071.

COPY.

Muskogee, Indian Territory, January 12, 1907.

Chilion Riley,

Attorney at Law,

Duncan, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on January 12, 1907, rendered his decision granting the applications for the enrollment of Joshua Impson, Lillie Impson, and Frank Impson as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date of this notice within which time to file protest against their enrollment. If at the expriation of that time no protest has been filed, the name of Joshua Impson, Lillie Impson, and Frank Impson will be placed upon the final roll of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Registered.

Commissioner.

19-1071

COPY.

Muskogee, Indian Territory, January 12, 1907.

Mansfield, McMurray, and Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 12, 1907, granting the applications for the enrollment of Joshua Impson, Lillie Impson, and Frank Impson as citizens by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against their enrollment. If at the expiration of that time no protest has been filed, the names of Joshua Impson, Lillie Impson, and Frank Impson will be placed upon the final roll of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.
Incl. 19-1071.

Choc. Minor 1000
George Wendell Hagood

M1000

1000

MINOR

CHOCTAW

ENROLLMENT

GEORGE WENDELL HAGOOD

For record see Choctaw #3302

See Petition # C-88

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26. 1906

Referred [illegible]
Copy of [illegible]
Application [illegible]
Copy of [illegible]
Relating to Application [illegible]
Copy of [illegible]
[illegible]
Application [illegible]
[illegible]

1000

C----98
C----99
C---100
C---102
C---123
7--3299
7--3301
7--3302
7--3303
7--3313
7--3542
7-D-405
23-1270
23-1000
23-1009.
7--3552

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Charlette E. Barr, et al., as citizens of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on August 8, 1899, at Calvin, Indian Territory, by Charlette E. Barr for the enrollment of herself as a citizen by blood of the Choctaw Nation; that on the same date application was made by Everett E. McCarty for the enrollment of himself and his children Jennie F. McCarty and Carroll C. McCarty, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Evelyn E. McCarty, as a citizen by intermarriage of the Choctaw Nation; that on August 17, 1899, application was made to the Commission to the Five Civilized Tribes at Durant, Indian Territory, by Charles M. McCarty, for the enrollment of himself and his children, Mildred McCarty and Lucile McCarty, as citizens by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Calvin, Indian Territory, on August 8, 1899, by John McCarty for the enrollment of himself, Floyd Lewis and Mittie Lewis as citizens by blood of the Choctaw Nation. That on the same date application was made to the Commission to the Five Civilized Tribes by Theron B. McCarty for the enrollment of himself and his minor child, Everett B. McCarty, as citizens by blood of the Choctaw Nation; that on February 16, 1901, written application was filed for the enrollment of Stewart Milton McCarty, minor child of Theron B. McCarty, and Annie L. McCarty, as a citizen by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Atoka, Indian Territory, September 1, 1899, by Theron B. McCarty for the enrollment of his wife, Annie L. McCarty, as a citizen by intermarriage of the Choctaw Nation; that on August 17, 1899, application was made to the Commission to the Five Civilized Tribes at Durant, Indian Territory, by Richard B. McBee, for the enrollment of himself as an intermarried citizen of the Choctaw Nation, and for the enrollment of his wife, Maggie McBee, as a citizen by blood of the Choctaw Nation; that on August 8, 1899, application was made to the Commission to the Five Civilized Tribes, at Calvin, Indian Territory, by Lenice McCarty for the enrollment of himself and his minor son, Dewey McCarty, as citizens by blood of the Choctaw Nation.

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that the applicants, Charlotte E. Barr (as Charlotte E. McCarty), Everett E. McCarty, Evelyn E. McCarty (as Eviline E. McCarty), Jennie F. McCarty, (as Jennie S. McCarty), Carroll C. McCarty (as Carl S. McCarty), John McCarty (as John E. McCarty), Floyd Lewis (as Flaud Lewis), Mittie Lewis, Theren B. McCarty and Lenice McCarty, were applicants to the Commission to the Five Civilized Tribes for admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), in 1896 Choctaw Citizenship Case No. 1276, and that on December 8, 1896, said application was denied by the Commission to the Five Civilized Tribes.

Application was also made to the Commission to the Five Civilized Tribes on September 9, 1896, for the admission to citizenship in the Choctaw Nation of the applicants, Charles M. McCarty (as Chas. M. McCarty), Mildred McCarty, Lucile McCarty (as Lucile McCarty), and Maggie McCarty under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), in 1896 Choctaw Citizenship Case No. 1309. December 8, 1896, the Commission rejected said application.

From these decisions of the Commission appeal was taken to the United States Court for the Central District of the Indian Territory, said cases being consolidated upon appeal, and on August 26, 1897, said court rendered a decision reversing the decision of the Commission as to the applicants herein and admitting said applicants as citizens of the Choctaw Nation.

Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw-Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al".

Said cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo, and on April 30, 1904, in the case entitled John McCarty et al., vs. Choctaw and Chickasaw Nations (Choctaw-Chickasaw Citizenship Court, Case No. 29, South McAlester Docket), said Citizenship Court rendered a judgment therein wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, John McCarty, Evaline E. McCarty or Evelyn E. McCarty . . . . . Theren B. McCarty, Lenice McCarty or Louis McCarty, Jennie F. McCarty Carl C. McCarty or Carroll C. McCarty, Charlotte E. McCarty, Floyd Lewis, Mittie Lewis or Millie Lewis. . . . . C. M. McCarty. . . . . Maggie McCarty, Mildred McCarty, Lucile McCarty, as Leucile McCarty, ... be denied and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such and not entitled to any rights whatever flowing therefrom". The name of Everett E. McCarty was not included in said judgment.

On May 27, 1904, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Everett E. McCarty, Stewart Milton McCarty and Dewey McCarty, for the reason that the persons through whom said applicants claim the right to enrollment as citizens of the Choctaw Nation had been denied citizenship by the Choctaw and Chickasaw Citizenship Court. On the same date the Commission issued orders dismissing the applications for the enrollment of Annie L. McCarty and Richard E. McBee as intermarried citizens of the Choctaw Nation for the reason that the rights of Theren B. McCarty and Maggie McBee, through whom they respectively claimed, had been adversely determined by the Choctaw-Chickasaw Citizenship Court.

On April 19, 1906, the application of Everett E. McCarty for enrollment as a citizen by blood of the Choctaw Nation was dismissed by the Commissioner to the Five Civilized Tribes in accordance with the opinion of the Act Attorney General, dated May 9, 1904 (I.T.D. 3824-1904), and the opinion of the Assistant Attorney General for the Department of the Interior, dated July 30, 1904 (I.T.D. 5246-1904).

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there were filed on February 20, 1906, March 13, 1906 and May 24, 1906, by Cruce, Cruce & Bleakmore, attorneys for the petitioners, petitions praying for the enrollment of J. E. McCarty, Lettie Barr, Lonice McCarty, Dewey McCarty, T. B. McCarty, Annie L. McCarty, Everett E. McCarty, Stuart M. McCarty, Julia Pauline McCarty, Jennie S. Cox, C. M. McCarty, Maggie McBee, Mildred McCarty, Lucile E. McCarty and R. B. McBee as citizens of the Choctaw Nation. Said petitioners, with the exception of Julia Pauline McCarty, are identical with the persons for whose enrollment application was made to the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495).

Applications were made for the enrollment of the following named persons as citizens of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137). July 2, 1906, application for the enrollment of Oita McCarty, born April 2, 1904, minor child of John E. McCarty and Mary L. McCarty; July 25, 1906, application for the enrollment of Maybelle McCarty, born May 15, 1903, minor child of Charles M. McCarty, and Beulah A. McCarty; July 26, 1906, application for the enrollment of George Wendell Wagood, born November 25, 1905, minor child of A. S. Wagood and Mildred Wagood, formerly Mildred McCarty.

It is alleged in the petitions filed February 20, 1906, March 13, 1906 and May 24, 1906, that the petitioner, Lettie Barr, was enrolled in 1896 as a citizen of the Choctaw Nation by the Board of Census Commissioner; that the petitioners, J. E. McCarty, Lonice McCarty, T. B. McCarty and Jennie S. Cox are the children of Everett E. McCarty and Eveline C. McCarty; that said Everett E. McCarty and Eveline C. McCarty were in 1896, by act and authority of the Choctaw Council recognized and enrolled as Choctaw citizens; that the petitioner, C. M. McCarty, is the son of Dr. A. McCarty, and that Dr. A. McCarty and his children were in 1896, by act and authority of the Choctaw Nation recognized and enrolled as citizens and members of said tribe.

The record herein further shows that the applicants have been given sufficient opportunity to prove the allegations in the petition and have submitted no proof in support of the same.

The records in the possession of the Commissioner to the Five Civilized Tribes fail to show that any of the applicants herein were ever recognized and enrolled as citizens of the Choctaw Nation by the tribal authorities thereof. Their names do not appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commissioner to the Five Civilized Tribes.

The record herein shows that the applicant, Carrell C. McCarty also claims a right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of his marriage on July 24, 1902, with Etta E. Davis, whose name appears upon the final roll of citizens by blood of the Choctaw Nation opposite No. 1206. It appears, however, that said applicant was never married to his Choctaw wife in accordance with the laws of the Choctaw Nation.

I am of the opinion that inasmuch as the record herein fails to show that any of the applicants who were before the Choctaw-Chickasaw Citizenship Court ever occupied such a status as would entitle them to enrollment as citizens by blood and intermarriage of the Choctaw Nation, the action of the Choctaw-Chickasaw Citizenship Court of April 30, 1904, is final and that the applications for the enrollment of Charlotte M. Barr, Jennie P. McCarty, Theron B. McCarty Lonise McCarty, Charles M. McCarty, Mildred McCarty, Lucile McCarty, John McCarty, Floyd Lewis, Mittie Lewis and Maggie McBee, as citizens by blood of the Choctaw Nation and the petitions herein insofar as the same apply to said applicants, should be denied, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the application for the enrollment of Evelyn C. McCarty as a citizen by intermarriage of the Choctaw Nation and the petitions herein, insofar as the same apply to said applicant, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicant, Carroll C. McCarty, is not entitled to be enrolled as a citizen by blood or as a citizen by intermarriage of the Choctaw Nation; that his application for enrollment and the petition herein, insofar as it applies to said applicant, should be denied, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition filed March 13, 1906, insofar as the same applies to the petitioner, Julia Pauline McCarty, should be considered as an application for the enrollment of said petitioner as a citizen by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and that the same should be denied, and it is so ordered.

I am further of the opinion that the petitions herein, insofar as same apply to the petitioners, Everett R. McCarty, Richard B. McBee, Annie L. McCarty, Dewey McCarty, Everett R. McCarty and Stewart Milton McCarty, whose applications for enrollment have heretofore been dismissed by this office, should be dismissed, and it is so ordered.

I am further of the opinion that the application filed July 2, 1906, for the enrollment of Oita McCarty, and the applications filed July 25, 1906, for the enrollment of Maybelle McCarty and George Wendell Wagood, should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

(Signed) Tams Bixby,
Commissioner.

Muskogee, Indian Territory,

Jan 31 1907.

7-3842.

Muskogee, Indian Territory, August 18, 1906.

Mildred McCarty Hagood,

Care of A. S. Hagood,

Sterrett, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of the affidavits of Mildred McCarty Hagood and J. R. Keller, M. D., to the birth of George Wendell Hagood on November 25, 1905.

Respectfully,

Commissioner.

DCS.

Choc. Minor 1001

Narcissa Sadie Percival

M1001

1001

MINOR

CHOCTAW

ENROLLMENT

NARCISSA SADIE PERCIVAL

ACT APR. 26 - 06

TRANSFERRED TO CHOCTAW CARD # 6062.
7/26/07.

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26. 1906

1001

MINOR

Choc. Minor 1002

Paul Jones

M 1002

1002

MINOR

CHOCTAW

ENROLLMENT

PAUL JONES

As Citizen of the

CHOCTAW NATION

Act of Congress

Approved April 26, 1906

1002

13051

CERTIFICATE OF RECORD OF MARRIAGE

United States of America,
Indian Territory,
Southern District, } sct.

I, C. M. CAMPBELL, Clerk of the United States Court, in the Territory and District aforesaid DO HEREBY CERTIFY, that the License for and Certificate of Marriage of

Mr. Joe Jones and

Miss Ethel Shockley

were filed in my office in said Territory and District the 26 day of

April, A. D. 1905 and

duly recorded in Book D of Marriage Record, Page 129

WITNESS my hand and Seal of said Court, at Ardmore, this 26 day

of April A. D. 1905

C. M. Campbell
CLERK.

☞ Return this license to the United States Clerk at Ardmore, that it may be recorded, when it will be mailed to the proper address.

Ardmoreite Steam Print.

MAY 18 1906

MAY 22, 1906

FILED
AT ARDMORE.
APR 26 1905 PM
C. M. CAMPBELL, Clerk and
Exofficio [illegible] District No. 21, Ind. Ter.

No person is authorized to perform the Marriage Ceremony in the Indian Territory unless the proper credentials have first been recorded in the Clerk's office.

MARRIAGE LICENSE.

No. [redacted]

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT,

To any Person Authorized by Law to Solemnize Marriage, Greeting:

You are Hereby Commanded, *to solemnize the Rite and publish the Banns of Matrimony between* Mr. Jay Jones of Rush Springs *in the Indian Territory, aged* 22 *years, and* Miss Ethel Shockley *of* Rush Springs *in the Indian Territory, aged* 18 *years, according to law; and do you officially sign and return this license to the parties therein named.*

Witness *my hand and official Seal, this* 15th *day of* April *A. D. 190*5.

C M Campbell
Clerk of the United States Court.

By K C Fleming Deputy

Certificate of Marriage.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT, } ss.

I, L. W. Spencer do hereby certify that on the 16 day of April A. D. 190 5, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named:

Witness *my hand this* 16 *day of* April *A. D. 190*5

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Southern District, at Ardmore, Book L *, Page* 167

L. W. Spencer
Gospel preacher

NOTE. (a) This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Indian Territory, at Ardmore, within sixty days from the date thereof, or the party to whom the license was issued will be liable in the amount of ONE HUNDRED DOLLARS ($100.)

NEW BORN

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Paul Jones

as a citizen of

Choctaw Nation.

Approved..... 190...

.....
Commissioner.

Born Jan. 22, 1906.

Act of Congress approved April 26, 1906.

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Filed May 22, 1906.
Tams Bixby, Commissioner.

Chickasha, I. T.

CHOCTAW

5189

RECEIVED

May 16 '06.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Copy

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Paul Jones [Here insert name of child] born on the 22nd day of Jan. 1906.

Name of Father: Joe Jones a citizen of the Choctaw Nation.

Name of Mother: Ethel Jones a citizen of the Choctaw Nation.

Tribal enrollment of father None Tribal enrollment of mother Choctaw

Ethel Jones, the mother, is the daughter of Elgon Stockley. Postoffice Rush Springs, I. T.
(in the Cule West case).

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Southern Judicial District.

I, Ethel Jones, on oath state that I am 14 years of age and a citizen by Blood, of the Choctaw Nation; that I am the lawful wife of Joe Jones, who is a citizen, by ~~of~~ United States, of the ..... Nation; that a male [Male or Female] child was born to me on 22nd day of January 1906, that said child has been named Paul Jones and was living March 4, 1906.

Ethel Jones

WITNESSES TO MARK:

[Must be Two Witnesses] .....

.....

Subscribed and sworn to before me this 14th day of May 1906.

Seal

J. L. Lindsey
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Southern Judicial District.

I, P. J. Hampton, a physician on oath state that I attended on Ethel Jones, wife of Joe Jones on the 22nd day of Jan. 1906, that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Paul Jones

P. J. Hampton, M. D.

WITNESSES TO MARK:

[Must be Two Witnesses] .....

.....

Subscribed and sworn to before me this 14th day of May 1906.

Seal

J. L. Lindsey
Notary Public.

NEW BORN #1002.

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....Paul Jones.....

as a citizen of

.....Choctaw..... Nation.

Approved..... 190...

.....

Commissioner.

Born Jan. 22, 1906.

Act of Congress approved April 26, 1906.

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Filed Aug. 3, 1906.
Tams Bixby, Commissioner.

CHOCTAW

N.B.1002.

RECEIVED

JUL 19 1906.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Copy

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Paul Jones [Here insert name of child] born on the 22 day of January 1906

Name of Father: Robert J. Jones a citizen of the ——— Nation.

Name of Mother: Ethel Shockley Jones a citizen of the Choctaw Nation.

Tribal enrollment of father no Tribal enrollment of mother Application pending.

Postoffice Rush Springs, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Ethel Shockley Jones, on oath state that I am 14 years of age and a citizen by Blood, of the Choctaw Nation; that I am the lawful wife of Robert J. Jones, who is a citizen, by ———, of the U S Nation; that a male [Male or Female] child was born to me on 22 day of January 1906; that said child has been named Paul Jones and was living March 4, 1906.

Ethel Shockley Jones.

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 10 th day of July 1906.

Seal

Stephens Brown
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, P. J. Hampton a Physician on oath state that I attended on Mrs. Ethel Shockley Jones wife of Robert J. Jones on the 22 day of Jan. 1906; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Paul Jones

P. J. Hampton, M. D.

WITNESSES TO MARK:

Seal

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 10 th day of July 1906.

Stephens Brown
Notary Public.

I am informed that an affidavit and application similar to the above has heretofore filed, and I call your attention thereto to prevent a duplicate enrollment. Thos. Norman, atty for applicant.

23-1002. O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Paul Jones as a citizen by blood of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on May 16, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Paul Jones as a citizen by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that said applicant was born on January 22, 1906, and is the son of Robert J. Jones, a non-citizen, and Ethel Jones, whose application (as Ethel Shockley) was denied by the Commissioner to the Five Civilized Tribes March 19, 1906, in the consolidated Choctaw case of Mattie Shockley, et al., and on said date forwarded to the Department.

I am, therefore, of the opinion that the application for the enrollment of Paul Jones as a citizen by blood of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

FEB 21 1907

23-1002

COPY

Muskogee, Indian Territory, February 21, 1907.

Robert J. Jones

Rush Springs, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 21, 1907, denying the application for the enrollment of Paul Jones as a citizen by blood of theChoctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered
Incl. 23-Loe2.

23-1002

COPY

Muskogee, Indian Territory, February 21, 1907.

Mansfield, McMurray & Corbich,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 21, 1907, denying the application for the enrollment of Paul Jones as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 23-1002.

COPY.

Muskogee, Indian Territory, February 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Paul Jones as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated February 21, 1907, denying said application.

Respectfully,

SIGNED Tams Bixby

Commissioner.

2 Incl. 23-1002.

Through the
Commissioner of Indian Affairs.

D.C.12634.
L.R.S.

J.P.
O.K.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D.
6076, 6096, 6126, 6148-07.
6182, 6778, 6808, 6832-07.
6836, 6840, 6842, 6844-07.
6850, 6852, 6856, 6858-07.
6866, 6870, 6882, 6884-07.
6894, 6900, 6950, 6954-07.
6958, 6964, 6966, 6968-07.

March 2, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

Title of Case.	Date of Your Letter of Transmittal.
Cye Richardson, Jr., (Freedman),	February 14, 1907.
Ernest and Willie Lee Draper (Freedmen),	February 14, 1907.
Mary Dorris Clayton,	February 19, 1907.
Alexander Harland (Freedman),	February 13, 1907.
Earnest and Louis Fields (Freedmen),	February 13, 1907.
Claud Wald Thompson (Freedman),	February 13, 1907.
Levie Freeny (Freedman),	February 15, 1907.
Kate D. Johnson (Miss. Choc.),	February 20, 1907.
John Littlejohn et al.(Freedmen),	February 23, 1907.
Tobias Louis and James Bussel (Freedmen),	February 19, 1907.
Hickman Hensley, (Freedman),	February 18, 1907.
Mary Plummer,	February 14, 1907.
Zach Alton Callaway,	February 21, 1907.
Riley Cole (Freedman),	February 19, 1907.
Albert F. and Edith Ford,	February 21, 1907.
Blanch Estella Autrey, et al.,	February 21, 1907.
Paul Jones,	February 21, 1907.

Title of Case.	Date of Your Letter of Transmittal.
Frances and Viola Brannon (Freedmen),	February 14, 1907.
Mattie Smith (Freedman)	February 19, 1907.
Ora Williams (Freedmen),	February 25, 1907.
William J. Manley,	February 21, 1907.
Vera and Nora Blocvens,	February 18, 1907.
Annie Harkins (Freedman),	February 14, 1907.
Francis York,	February 21, 1907.
J. W. Huffman, et al.,	February 18, 1907.
Sam W. and Joe A. Potts,	February 19, 1907.
Eva Wright,	November 20, 1906.
Thomas H. Starks, (intermarried),	February 19, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

28 inc. and 56 inc.
for Indian Office.

W.C.F.
3-3-07.

Land.
19681-1907.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby dated February 21, 1907, transmitting the record relative to the application of Paul Jones for enrollment as a citizen by blood of the Choctaw Nation, including the Commissioner's decision of February 21, 1907, denying the application. An examination of the record shows that the position taken by Mr. Bixby is correct and the approval of his decision is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-GH.

23-1002

Muskogee, Indian Territory, April 2, 1907.

Robert J. Jones,

Rush Springs, Indian Territory.

Dear Sir:

You are hereby advised that on March 2, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered February 21, 1907, denying the application for the enrollment of Paul Jones as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

23-1002

Muskogee, Indian Territory, April 2, 1907.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 2, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered February 21, 1907, denying the application for the enrollment of Paul Jones as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

7-5189

Muskogee, Indian Territory, July 26, 1906.

Robert J. Jones,

Rush Springs, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Ethel Shockley Jones and P. J. Hampton to the birth of Paul Jones, child of Robert J. and Ethel Shockley Jones, January 27, 1906.

Respectfully,

Commissioner.

Choc. Minor 1003

Hattie Marie Stewart

James Samuel "

George "

M1003

1093

MINOR

CHOCTAW

ENROLLMENT

HATTIE MARIE STEWART

JAMES SAMUEL "

GEORGE "

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26, 1906

1093

28-1003

NEW BORN #1003.

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Hattie [illegible]

as a citizen of

Choctaw Nation.

Approved..... 190...

.....
Commissioner.

Born July 17, 1897
DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ACT OF CONGRESS APPROVED APRIL 26, 1906

F I L E D
JUN 16 1906
Tams Bixby,
Commissioner.

Preslie B. Cole,
Lawyer, So. McAlester
I.T.

CHOCTAW
NB 1003

RECEIVED
JUN 9 1906.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Hattie Marie Stewart (Here insert name of child) born on the 17th day of July 1897
Name of Father: Samuel Stewart a citizen of the Choctaw Nation.
Name of Mother: Daisy A Stewart a citizen of the Choctaw Nation.
Tribal enrollment of father Application pending Tribal enrollment of mother White woman not enrolled
Postoffice Doaksville I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Daisy A Stewart, on oath state that I am 25 years of age and a citizen by ..., of the United States Nation; that I am the lawful wife of Samuel Stewart, who is a citizen, by blood of the Choctaw Nation; that a Female (Male or Female) child was born to me on 17th day of July 1897; that said child has been named Hattie Marie Stewart and was living March 4, 1906.

Daisy A. Stewart

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 28th day of May 1906.

G. A. Riedl
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Laura A Stewart, a Midwife, on oath state that I attended on Daisy A Stewart, wife of Samuel Stewart on the 17 day of July 1897; that there was born to her on said date a Female (Male or Female) child; that said child was living March 4, 1906, and is said to have been named Hattie Marie Stewart

Laura A. Stewart SEAL

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 28th day of May 1906.

G. A. Riedl
Notary Public.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of James Samuel Stewart (Here insert name of child) born on the 26 day of June 1899

Name of Father: Samuel Stewart a citizen of the Choctaw Nation.

Name of Mother Daisy A Stewart a citizen of the Choctaw Nation.

Tribal enrollment of father Application pending Tribal enrollment of mother None. White woman

Postoffice Davis I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Daisy A Stewart, on oath state that I am 25 years of age and a citizen by —, of the United States Nation; that I am the lawful wife of Samuel Stewart, who is a citizen, by blood of the Choctaw Nation; that a Male (Male or Female) child was born to me on 26 day of June 1899; that said child has been named James Samuel Stewart and was living March 4, 1906.

Daisy A Stewart

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 28 th day of May 1906.

G A Reidt
Notary Public.

SEAL

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Northern District. }

I, Ellen Prague a Midwife on oath state that I attended on Daisy A Stewart, wife of Samuel Stewart on the 26 day of June 1899; that there was born to her on said date a Male (Male or Female) child; that said child was living March 4, 1906, and is said to have been named James Samuel Stewart

Ellen Prague

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 31 day of May 1906.

A. E. Lewis
Notary Public.

SEAL

My commission expires April 13, 1910

23-1003

NEW BORN # 1003..

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Gloize Stewart

as a citizen of

Choctaw Nation.

Approved..... 190...

.....

Commissioner.

Born March 9, 1901

Act of Congress approved April 26, 1906.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 16, 1906.

Tams Bixby,
Commissioner.

Preslie B. Cole,
Lawyer, So. McAlester, I.T.

CHOCTAW
NB1003

RECEIVED
JUN 9-1906.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of George Stewart (Here insert name of child) born on the 9 day of March 1901

Name of Father: Samuel Stewart a citizen of the Choctaw Nation.

Name of Mother: Daisy A Stewart a citizen of the Choctaw Nation.

Tribal enrollment of father Application Pending Tribal enrollment of mother None. White woman

Postoffice Paw Paw I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Daisy A Stewart, on oath state that I am 25 years of age and a citizen by —, of the United States Nation; that I am the lawful wife of Samuel Stewart, who is a citizen, by blood, of the Choctaw Nation; that a Male (Male or Female) child was born to me on 9 day of March 1901.; that said child has been named George Stewart and was living March 4, 1906.

Daisy A Stewart

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 28th day of May 1906.

G A Riddle SEAL
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Laura A Stewart, a Midwife on oath state that I attended on Daisy A Stewart wife of Samuel Stewart on the 9th day of March 1901.; that there was born to her on said date a Male (Male or Female) child; that said child was living March 4, 1906, and is said to have been named George Stewart

Laura A Stewart SEAL

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 28th day of May 1906.

G A Riddle
Notary Public.

23-NB-1003.

S.E.F.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Hattie Marie Stewart et al. as citizens by blood of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that on June 9, 1906, there were received by the Commissioner to the Five Civilized Tribes written applications for the enrollment of Hattie Marie Stewart, James Samuel Stewart, and George Stewart as citizens by blood of the Choctaw Nation.

It further appears from the record herein and from the records of this office that said Hattie Marie Stewart, James Samuel Stewart, and George Stewart were born July 17, 1897, June 26, 1899, and March 9, 1901, respectively, and that they are the children of Daisy A. Stewart, a non citizen, and Samuel Stewart who is an alleged citizen by blood of the Choctaw Nation.

It further appears from the record herein that on February 28, 1906, the Commissioner to the Five Civilized Tribes declined to receive the application for the enrollment of said Samuel Stewart as a citizen by blood of the Choctaw Nation and on the same date the record in the matter of the said alleged application of Samuel Stewart was forwarded to the Department (Memo. 170).

I am of the opinion that under the previsions of the Act of Congress approved April 26, 1906 (34 Stats., 137), I am without authority to receive, consider, or make any record of any application for the enrollment of Hattie Marie Stewart, James Samuel Stewart, and George Stewart, as citizens by blood of the Choctaw Nation, and that therefore, I should decline to receive the same, and it is so ordered.

Commissioner.

Muskogee, Indian Territory.
FEB 25 1907

23-MB-1003

COPY

Muskogee, Indian Territory, February 25, 1907.

Samuel Stewart,

Dow, Indian Territory.

Dear Sir:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 25, 1907, declining to receive the application for the enrollment of Hattie Marie Stewart, James Samuel Stewart and George Stewart as citizens by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.
Incl. 23-MB-1003

23-MB-1003

COPY

Muskogee, Indian Territory, February 26, 1907.

Preslie B. Cole,

Attorney at law,

South McAlester, Indian Territory.

Dear Sir:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 25, 1907, declining to receive the application for the enrollment of Hattie Marie Stewart, James Samuel Stewart and George Stewart as citizens by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered
Incl. 23-MB-1003

23-NB-1003

COPY

Muskogee, Indian Territory, Februa ry 25, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 25, 1907, declining to receive the application for the enrollment of Hattie Marie Stewart, James Samuel Stewart and George Stewart as citizens by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same:

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 23-NB-1003

COPY

Muskogee, Indian Territory, February 25, 1907.

The Honorable,

The Secretary of the Interior:

Sir:-

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Hattie Marie Stewart, James Samuel Stewart and George Stewart as citizens by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated February 25, 1907, declining to receive said application.

Respectfully,

SIGNED Tams Bixby

Commissioner.

2 Incl.

Through the
Commissioner of Indian Affairs.

JP.
FHR.

D. C. 12883-1907.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. March 4, 1907.

LRS.
I. T. D.
6124,6146,6152,6158,6170-07.
6192,6992,7002,7266,7270- "
7294,7326,7344,7366,7374- "
7376,7380,7392,7404,7410- "
7414,7418,7442,7472,7478- "
7486,7490,7526,7548,7550- "
7552,7554,7556,7558,7564- "
7652,7654,7666,7678,7680- "
7684,7686,7696,7698,7708- "
7716,7724,7728, 7734- "

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw enrollment cases adverse to the applicants are hereby affirmed, viz:

Title of Case.	Date of your letter of transmittal.
Alex and Lee G. Lewis (Freedmen)	February 14, 1907.
Cora Bailey (Freedman)	February 13, 1907.
Virginia and Dave Colbert (Freedmen)	February 12, 1907.
Stella Marlow	February 16, 1907.
Joanna Pollock, et al.	December 24, 1906.
Ulysis and Sydney Frazier (Freedmen)	February 14, 1907.
Annie and Danier Carter (Freedmen)	February 14, 1907.
Margie Hall (Freedman)	February 16, 1907.
Lavera Perry (Freedman)	February 7, 1907.
Willie and Bennie Roberts	February 6, 1907.
Clarence Vails	February 7, 1907.
Beatrice and Wandie Jeffres (Freedmen)	February 11, 1907.
L. F. Rhoades, et al.	February 14, 1907.
Arlemer Pitchlynn (Freedman)	February 11, 1907.
Henry and Minnie Reed (Freedmen)	February 11, 1907.
Vivian V. and Clyde Parks	February 11, 1907.
Marvin Clifford Manley	February 7, 1907.
Blanche M. Stark, et al.,	February 20, 1907.

Title of Case.	Date of your letter of transmittal.
James M. Law, (Intermarried)	February 6, 1907.
Bell Serna (Miss. Choc.)	February 7, 1907.
David and Mariedell Powell (Freedmen)	February 7, 1907.
Sammie Blunt (Freedman)	February 7, 1907.
Clora and Annie Berry (Freedmen)	February 21, 1907.
Robert Thompson (Freedman)	February 21, 1907.
Washington and Nester Anthony (Freedmen)	February 21, 1907.
Ann and Emmett Walsen (Freedmen)	February 21, 1907.
Dee Wilson (Freedman)	February 20, 1907.
Blanch Johnson (Freedman)	February 16, 1907.
Luvena May Everett (Miss. Choc.)	February 23, 1907.
Viola Warrior (Freedman)	February 21, 1907.
Ella Folsom, et al., (Freedman)	February 21, 1907.
Edward Adamson (Freedman)	February 21, 1907.
Allie May and Ames Williams (Freedmen)	February 21, 1907.
John Ward, et al.,	January 23, 1907.
Frank P. Morgan (Intermarried)	January 24, 1907.
Marion James Robins (Freedmen)	February 21, 1907.
William C. York, et al.,	January 16, 1907.
William S. Watters, et al.,	February 23, 1907.
Charley Braggs (Freedman)	February 21, 1907.
Mattie Marie Stewart, et al.,	February 25, 1907.
Robert McCoy (Freedman)	February 18, 1907.
George Chatman (Freedman)	February 21, 1907.
Louisa Perry, (Freedman)	February 19, 1907.
John Albert Pautsky	February 26, 1907.
Nancy P. and Thursey McLarty	February 26, 1907.
Mathes Thackey,	February 26, 1907.
Albert and Elmer Piggee (Freedmen)	February 26, 1907.
Reling McKinney, et al., (Freedman)	February 26, 1907.

Copies of Indian Office letters submitting your reports and recommending that the decisions be approved, are inclosed.

A copy hereof and all the papers in the above-mentioned cases have been sent to the Indian Office.

Respectfully,

E. A. Hitchcock,

Secretary.

48 inc. and
98 for Ind. Of. with
copy hereof.
AFWe.
2-27-07.

--Copy--

Refer in reply to the following.

DEPARTMENT OF THE INTERIOR,

Land.
20383-1907.
D. C. 12853

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. March 1, 1907.

The Honorable,

The Secretary of the Interior:

Sir:

There is enclosed report of Commissioner Bixby dated February 25, 1907, transmitting the record in the matter of the application for the enrollment of Mattie Marie Stewart, James Samuel Stewart and George Stewart as citizens by blood of the Choctaw Nation, together with the Commissioner's decision of that date denying the application.

The record has been examined and the decision of the Commissioner is found to be correct . Its approval is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-W

23-MB-1003

Muskogee, Indian Territory, April 13, 1907.

Samuel Stewart,

Dow, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interiory affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered February 25, 1907, declining to receive the application for the enrollment of Hattie Marie Stewart, James Samuel Stewart an and George Stewart as citizens by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

23-NB-1003

Muskogee, Indian Territory, April 13, 1907.

Preslie B. Cole,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered February 25, 1907, declining to receive the application for the enrollment of Hattie Marie Stewart, James Samuel Stewart and Ge George Stewart as citizens by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

83-NB-1003

Muskogee, Indian Territory, April 13, 1907.

Mansfield, McMurray & Corn[illegible],
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered February 25, 1907, declining to receive the application for the enrollment of Hattie Marie Stewart, James Samuel Stewart and George Stewart as citizens by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.
Acting Commissioner.

Muskogee, Indian Territory, June 25, 1906.

Samuel Stewart,

Dow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Daisy A. Stewart and Laura A. Stewart to the birth of Mattie Marie Stewart, and George Stewart, children of Samuel and Daisy A. Stewart, July 17, 1897 and March 9, 1901; also affidavits of Daisy A. Stewart and Ellen Pauge to the birth of James Samuel Stewart, child of Samuel and Daisy A. Stewart, June 26, 1899.

It appears from the affidavit of the mother that you are a citizen by blood of the Choctaw Nation. If this is correct you are requested to give the names of your parents, the time and place application was made for your enrollment, and if you have selected an allotment of the lands of the Choctaw or Chickasaw Nation give your roll number as the same appears upon your allotment certificate.

Respectfully,

Commissioner.

Muskogee, Indian Territory, July 17, 1906.

Preslie B. Cole,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of July 3, 1906, relative to the application for the enrollment of James, Samuel, Hattie Marie and George Stewart, and in which you state that Samuel Stewart, the father, is an applicant for enrollment as a descendant of Laura A. Stewart in Memorandum Case 170 now pending before this office.

In reply you are advised that this information has enabled this office to identify Sam Stewart as having attempted to establish that application was made for his enrollment within the time provided by the Act of Congress approved July 1, 1902, and the affidavits heretofore forwarded to the births of these children have been filed as an application for their enrollment.

Respectfully,

Commissioner.

Choc. Minor 1004
John William Martin

M1004

1004

MINOR

CHOCTAW

ENROLLMENT

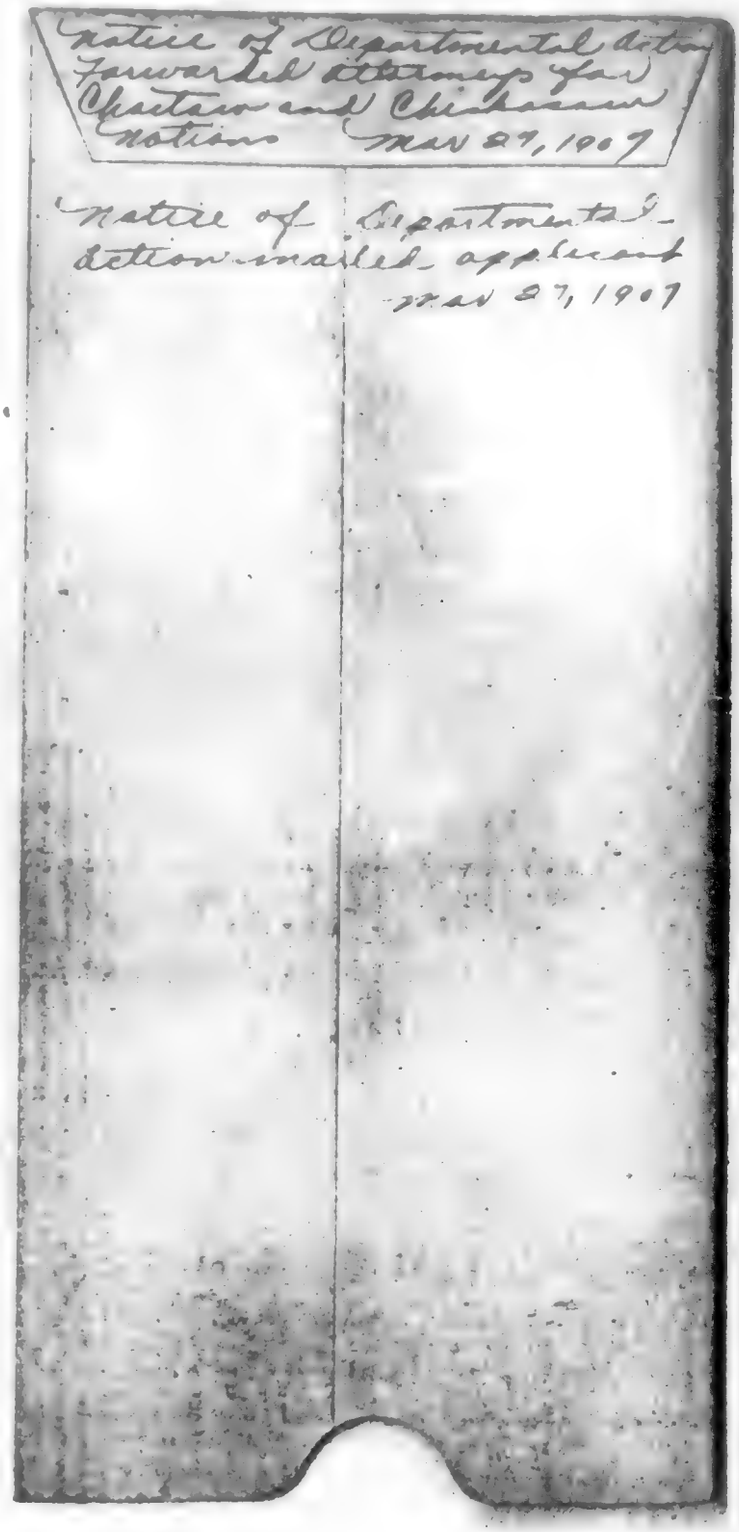
JOHN WILLIAM MARTIN

S.P.

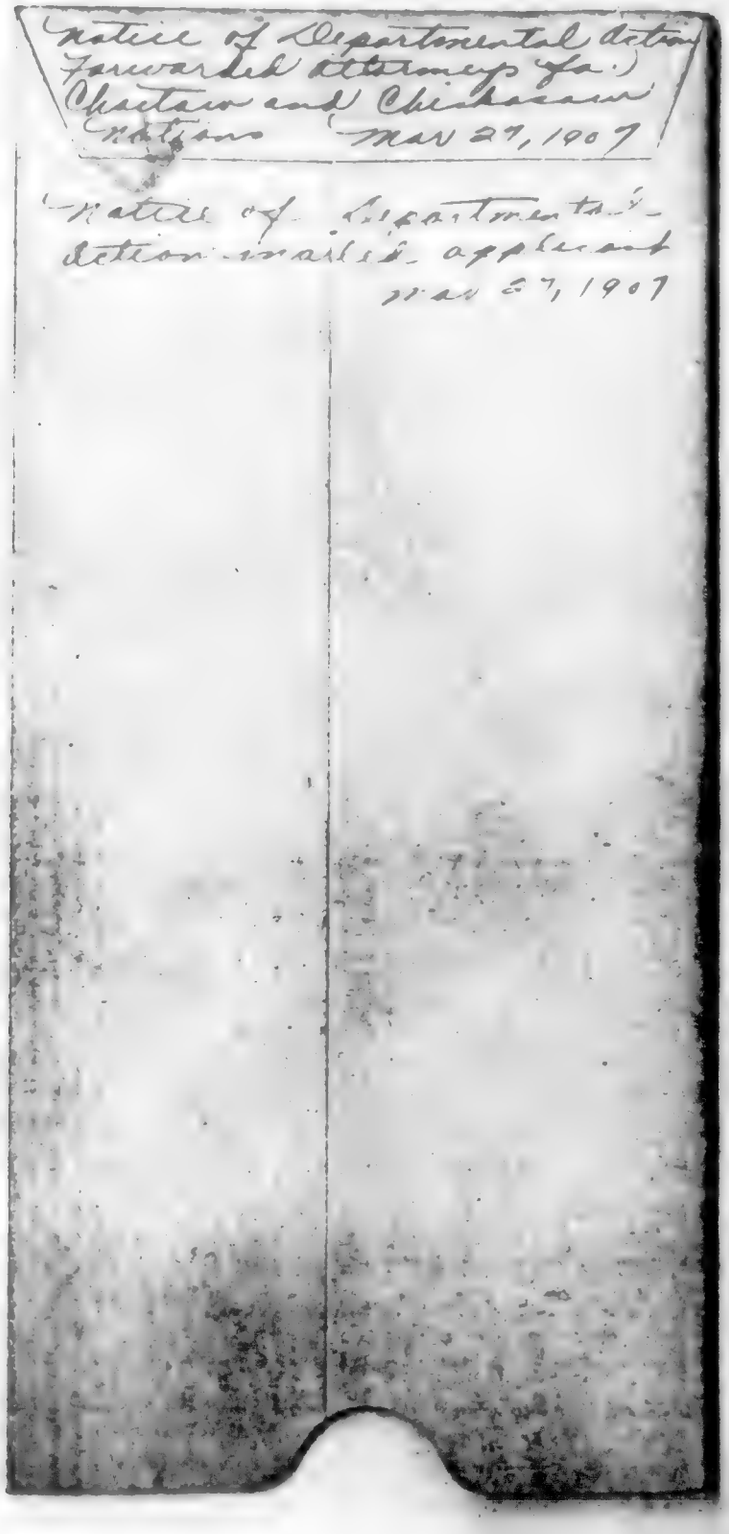
As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26. 1906

Decision Rendered Jan 8, 1907
Refused Jan 8, 1907
Copy of Decision Forwarded
Applicant Jan 8, 1907
Copy of Decision Forwarded
Attorneys for Choctaw and
Chickasaw Nations
Jan 8, 1907
Record Forwarded Secretary
Action Approved Jan 8, 1907
Secretary of Interior

1004 Feb 27, 1907
(over)


Notice of Departmental action forwarded Attorneys for Choctaw and Chickasaw nations MAY 27, 1907

Notice of Departmental action mailed applicant MAY 27, 1907


Notice of Departmental decision forwarded Attorneys for Choctaw and Chickasaw Nations May 27, 1907

Notice of Departmental decision mailed applicant May 27, 1907

NEW BORN # 1004

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....John William Martin.....

as a citizen of

.....CHOCTAW..... Nation.

Approved..... 190...

.....

Commissioner.

Born Oct. 7, 1903
Act of Congress approved April 26, 1906
Department of the Interior
Commissioner to the Five Civilized Tribes.
F I L E D MAY 10, 1906.
Tams Bixby, Commissioner.

CHOCTAW RECEIVED MAY 7 1906
N. B. 1004

WITH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS. APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the ..... Choctaw ..... Nation,

of ..John William Martin..... [Here insert name of child], born on the ...7...day of October.....1903..

Name of Father: R.. L.. Martin ..... a citizen of the. United. States. XXXXXa.

Name of Mother: Mary. R.. Martin ..... a citizen of the..... Choctaw..... Nation.

Tribal enrollment of father..not.enrolled..... Tribal enrollment of mother. Choctaw .....

Postoffice..... Quinton, Ind.. Ter.... .....

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
.....Western..... District. }

I Mary. R.. Martin nee(Mary. R.. Cooper) ... on oath state that I am Thirty-nine(39. years of age and a citizen by. blood ..... of the..... Choctaw ..... Nation; that I am the lawful wife of..... R.. L.. Martin ....., who is a citizen, by ..... of the... United States ..... Nation; that a Male [Male or Female] .....child was born to me on. 7th..... day of. October ..... 1903 .; that said child has been named .....John William Martin..... and was living March 4, 1906.

her
..... Mary R x Martin .....
mark

WITNESSES TO MARK:

[Must be Two Witnesses] } Maud C White .....
Harrie Blake .....

Subscribed and sworn to before me this.....5th.....day of May ..... 1906.

.....J.. M.. White .....(SEAL..)....
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
... Western..... District. }

I, ...J.. O.. Briscoe ..... a. Physician ..... on oath state that I attended on ..Mary. R.. Martin ..... , wife of.....R.. L.. Martin ..... on the 7th.....day of October ..... 1903 ; that there was born to her on said date a. Male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named. John. William. Martin.. ....

....J.. O.. Briscoe....M.. D.....

WITNESSES TO MARK:

[Must be Two Witnesses] } .....
.....

Subscribed and sworn to before me this.....5th.....day of.....May..... 1906.

..... J. M. White (SEAL) .....
Notary Public.

23-1004

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John William Martin as a citizen by blood of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on May 7, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of John William Martin as a citizen by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that John William Martin was born October 7, 1903, and is the son of E. L. Martin, a non-citizen and Mary R. Martin, who (as Mary Rebecca Martin, nee Cooper) was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on November 29, 1904, in case No. 73 on the Tishomingo Docket thereof.

I am of the opinion that the applicant, John William Martin, is not entitled to enrollment as a citizen by blood of the Choctaw Nation and that the application for his enrollment as such, should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

JAN 8 1907

23-1004.

COPY.

Muskogee, Indian Territory, January 8, 1907.

E. L. Martin,

Quinton, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 8, 1907, denying the application for the enrollment of John William Martin as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl. 23-1004.

23-1004.

COPY.

Muskogee, Indian Territory, January 8, 1907.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 8, 1907, denying the application for the enrollment of John William Martin as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby
Commissioner.

Incl/ 23-1004.

COPY.

Muskogee, Indian Territory, January 8, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of John William Martin as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 8, 1907, denying said application.

Respectfully,

SIGNED Tams Dickey

Commissioner.

2 Incl. 23-1004.

Through the

Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

YP

D.C. 12044-1907
I.T.D.
864, 1162, 1184, 2736-07.
2198, 4582, 4646, 4656-07.
4664, 4710, 4726, 4766- "
4774, 4776, 4786, 4802- "
4804, 4808- "

FHE

February 27, 1907

LRS

DIRECT

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
Arizona Robinson, et al.,	August 11, 1906
Frank Skaggs, et al.,	August 11, 1906.
Edy Jane Hood, et al.,	August 24, 1906
Clarence Neukirchner, et al.,	June 19, 1906
Sarah P. Ashford, et al.,	November 12, 1906
Redella Giddens, at al.,	March 19, 1906
J. O. Grant, et al.,	January 25, 1907
Georgia Ann Johnson,	January 26, 1907
Mollie Harris,	January 3, 1907
Oatis Bagwell,	January 9, 1907
Vailor Bagwell,	January 9, 1907
Katy Logan and Elvira Andersen,	April 28, 1906
Jesse and Della Maytubbee,	April 28, 1906
Tishie Miles, et al.,	January 3, 1907
John William Martin,	January 8, 1907
Lillie Belle Lynch, (Freedman)	February 2, 1907
Josiah McIntosh, Sr., et al.,	January 25, 1907
Louis Henry Beckett, et al.,	January 25, 1907.

Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed, are inclosed.

A copy hereof and all the papers in the above mentioned cause have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

14 inc. and
44 for Ind. Of.

A.L.Mc.
1-22-07.

944
W W

Copy.

REFER IN REPLY TO THE FOLLOWING:

DEPARTMENT OF THE INTERIOR,

Land
2969-1907.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

February 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of John William Martin as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes dated January 8, 1907, adverse to the applicant.

The record shows that on May 7, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of John William Martin as a citizen of the Choctaw Nation.

The record further shows that the applicant herein is the son of R. L. Martin, a non-citizen, and Mary R. Martin, who as Mary Rebecca Martin (nee Cooper) was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on November 29, 1904.

This case does not come within the Lula West case approved by the Department February 10, 1905 (I.T.D. 10353-1904), as the applicant did not have a tribal status in 1896. Therefore, by reason of the provisions of the Act of Congress approved

April 26, 1906 (34 Stat.L., 137), the Office concurs in the decision of Commissioner Bixby denying the enrollment of John William Martin as a citizen of the Choctaw Nation.

Very respectfully,

C. F. LARRABEE

RBM.Ph. Acting Commissioner.

23-1004

Muskogee, Indian Territory, March 27, 1907.

B. L. Martin,

Quinton, Indian Territory.

Dear Sir:

You are hereby advised that on February 27, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered January 8, 1907, denying the application for the enrollment of John William Martin as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

23-1004

Muskogee, Indian Territory, March 27, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 27, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered January 8, 1907, denying the application for the enrollment of John William Martin as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

Choc. Minor 1005
William H. Mitchell
Nancy Pearl "

M1005

1095

MINOR

CHOCTAW

ENROLLMENT

WILLIAM H. MITCHELL

NANCY PEARL "

/ /

...izen of the
CHOCTAW NATION
Act of Congress
Approved April 26, 1906

1005

NEW BORN #1005

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....William H. Mitchell.....

as a citizen of

.....Choctaw..... Nation.

Approved..... 190...

.....

Commissioner.

Born Jan. 20, 1904
Act of congress approved April 26, 1906
Department of the Interior
Commissioner to the Five
Civilized Tribes.
F I L E D AUG 4 1906
Tams Bixby, Commissioner
CHOCTAW RECEIVED JUL 20 1906
N. B. 1005

(BIRTH AFFIDAVIT - 1)

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of William H. Mitchell [More insert name of child], born on the 20th day of Jan 1904

Name of Father: Wm J. Mitchell a citizen of the Choctaw Nation.

Name of Mother: Maude Mitchell a citizen of the ..... Nation.

Tribal enrollment of father..... Tribal enrollment of mother.....

Postoffice Purdy I. T.

(SEAL)

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Maude Mitchell, on oath state that I am 23 years of age and a citizen by ..... of the ..... Nation; that I am the lawful wife of William J. Mitchell, who is a citizen, by blood of the Choctaw Nation; that a Male [Male or Female] child was born to me on 20th day of January 1904.; that said child has been named William H. Mitchell, and was living March 4, ~~1906~~ 1906

Maud Mitchell

WITNESSES TO MARK:

[Must be Two White Persons] .....
.....

Subscribed and sworn to before me this 18 day of July 1906.

R. W. Small
Notary Public

(SEAL)

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, J. W. Tucker, a Physician, on oath state that I attended Maude Mitchell, wife of Wm J. Mitchell on the 20th day of January 1904.; that there was born to her on said date a Male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named William H. Mitchell

J. W. Tucker M. D.

WITNESSES TO MARK:

[Must be Two White Persons] .....
.....

Subscribed and sworn to before me this 18 day of July 1906.

R. W. Small
Notary Public.

NEW BORN #1005

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Nancy Pearl Mitchell

as a citizen of

Choctaw Nation.

Approved ..... 190...

..... Commissioner.

Born Jan. 3, 1906

Act of Congress approved April 26, 1906
Department of the Interior
Commissioner to the Five
Civilized Tribes

F I L E D AUG 4, 1906.
Tams Bixby, Commissioner.

CHOCTAW RECEIVED JUL 20, 1906
N. B. 1005

WITH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the ... Choctaw ..... Nation,

of ..Nancy Pearl Mitchell..... (Here insert name of child) .... born on the 3rd ...day of .... Jan 1906

Name of Father: ..William J. Mitchell ..... a citizen of the... Choctaw ..... Nation.

Name of Mother: Maude Mitchell ..... a citizen of the..... Nation.

Tribal enrollment of father.....Tribal enrollment of mother.....

Postoffice.... Purdy I. T. .....

(SEAL)

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
....Southern..... District. }

I, Maude Mitchell ....., on oath state that I am ..... 23 ....

years of age and a citizen by....., of the..... Nation;

that I am the lawful wife of .... William J. Mitchell ....., who is a citizen, by

....blood....., of the.....Choctaw .....Nation; that a female ....child was (Male or Female)

born to me on 3rd .....day of ...January ..... 1906.; that said child has been named

.....Nancy Pearl Mitchell..... and was living March 4, 1906.

..... Maud Mitchell .....

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this....18..... .....day of....July..... 1906.

..... R. W. Small .....

Notary Public.

(SEAL)

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
....Southern..... District. }

I, ...J. W. Tucker....., a Physician....., on oath state that I

attended on Maude Mitchell....., wife of... Wm. J. Mitchell.....

on the .3rd.....day of January.....1906.; that there was born to her on said date a ...female.... (Male or Female)

child; that said child was living March 4, 1906, and is said to have been named..Nancy Pearl.....

...Mitchell.....

..... J. W. Tucker M. D. .....

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this. .....18.....day of.....July..... 1906.

..... R. W. Small .....

Notary Public.

23-1005.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-:O:-

In the matter of the application for the enrollment of William H. Mitchell et al. as citizens by blood of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that on July 20, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of William H. Mitchell and Nancy Pearl Mitchell as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that William H. Mitchell and Nancy Pearl Mitchell were born January 20, 1904 and January 3, 1906, respectively and are the children of Maud Mitchell, a non-citizen and William J. Mitchell, who was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on April 18, 1904 in Case No. 101 on the South McAlester Docket thereof.

I am of the opinion that the applicants, William H. Mitchell and Nancy Pearl Mitchell, are not entitled to enrollment as citizens by blood of the Choctaw Nation and that the application for their enrollment as such should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

JAN 9 - 1907

23-1006

COPY.

Muskogee, Indian Territory, January 9, 1907.

William Mitchell,

Purdy, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of William H. Mitchell and Nancy Pearl Mitchell as citizens by blood of the Choctaw Nation.

The decision, with the record of the proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Registered.

Inel.23-1006

23-1005

COPY

Muskogee, Indian Territory, January 9, 1907.

Mansfield, McMurray and Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Dear Sirs:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of William H. Mitchell and Nancy Pearl Mitchell as citizens by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decsion of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Encl. 23-1005.

COPY.

Muskogee, Indian Territory, January 9, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of William H. Mitchell and Nancy Pearl Mitchell as citizens by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January, 9, 1907, denying said application.

Respectfully,

Tams Dixby

Commissioner.

2 incl. 23-1006

Through the
Commissioner of Indian Affairs.

Y.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON. C.K.

IRS
D.C.1208M-1907.
I. T. D.
4594, 4604, 4606, 4608,- 1907.
4642, 4650, 4668, 4702, "
4716, 4722, 4724, 4726, "

February 27, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of Your Letter of transmittal.
Tom Isaac, (Miss. Choc.),	December 15, 1906.
Viney King et al., (Freedmen),	October 19, 1906.
Frank Going,	October 19, 1906.
James Morris,	October 19, 1906.
Wiley E. Davis et al.,	January 16, 1907.
Susan Jackson et al.,	January 29, 1907.
Lillie Henderson,	January 16, 1907.
Claudia A. Plato et al.,	December 24, 1906.
Beatrice Bottoms,	January 9, 1907.
William H. Mitchell et al.,	January 9, 1907.
Thadia D. Blake et al.,	November 22, 1906.
Cora A. Pyle,	January 9, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

12 inc. and 24 inc. for Ind. Of.

Jesse E. Wilson

Assistant Secretary.

AFFe
2-28-07.

Refer in reply to the following:
Land.
3880-1907

9+4/306

-Copy-
1

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. February 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 9, 1907, transmitting the record relative to the application of William M. Mitchell, et al., for enrollment as citizens by blood of the Choctaw Nation.

On July 20, 1906, application was made to the Commissioner for the enrollment of William M. and Nancy P. Mitchell as citizens by blood.

On January 9, 1907, the Commissioner held that the applicants were not entitled to enrollment.

The record shows that the applicants are the minor children of Maud Mitchell, a non-citizen, and William J. Mitchell, who was denied enrollment as a citizen by blood of the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on April 18, 1904, in case No. 101.

Under the provisions of Section 2 of the Act of April 26, 1906, (34 Stat. L., 137), the decision of the Commissioner adverse to the applicants is recommended for approval.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.R.D. -ML

23-1005

Muskogee, Indian Territory, April3, 1907.

William Mitchell,

Purdy, Indian Territory.

Dear Sir:

You are hereby advised that on February 27, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of William H. Mitchell and Nancy Pearl Mitchell as citizens by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

23-1005

Muskogee, Indian Territory, April 3, 1907.

Mansfield, McMurray & Cornish,
Atterneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 27, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of William H. Mitchell and Nancy Pearl Mitchell as citizens by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

7-3018

Muskogee, Indian Territory, July 30, 1906.

William J. Mitchell,

Purdy, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of July 19, 1906, enclosing affidavits of Maud Mitchell and J. W. Tucker to the birth of Nancy Pearl Mitchell and William H. Mitchell, children of William J. and Maud Mitchell, January 3, 1906 and January 20, 1904, respectively.

Receipt is also acknowledged of the affidavits of Docia Sullivan and B. Ward to the birth of Frank Lee Sullivan and Ruby Jane Sullivan, children of William F. and Docia Sullivan, September 10, 1904, and December 8, 1905, respectively.

Respectfully,

Commissioner.

Choc. Minor 1006

Ethel Moore

M1006

1006

MINOR

ENROLLMENT

CHOCTAW

ETHEL MOORE

M E ON PET 92

FOR RECORD SEE PET # C-92

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26, 1906

1006

C-----92
7-D-209
7-D-210
23-1006
23-1007
23-1061

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William E. Moore, et al., as citizens by blood of the Choctaw Nation.

D E C I S I O N

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes at Wister, Indian Territory, on June 6, 1899, by William E. Moore for the enrollment of himself and his children, William L. Moore, John M. Moore, Absolam L. Moore and Jackson Moore, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Catherine Moore as a citizen by intermarriage of said Nation; that on June 23, 1900, written application was filed for the enrollment of Freda Gertrude Moore, minor child of William E. Moore and Catherine Moore as a citizen by blood of the Choctaw Nation; that on December 24, 1902, written application was filed for the enrollment of Eva Moore, minor daughter of Leonard Moore and Jessie L. Moore, as a citizen by blood of the Choctaw Nation; that on June 6, 1889, application was made to the Commission to the Five Civilized Tribes by Lizzie McMurtry for the enrollment of herself and her minor son, Dewey W. McMurtry, as citizens by blood of the Choctaw Nation.

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, for admission to citizenship in the Choctaw Nation, among others, of the applicants, William E. Moore, William L. Moore (as William Lenlord Moore), John M. Moore (as John Marshall Moore), Absolam L. Moore (as Abb Lewis Moore), Jackson Moore and Lizzie B. McMurtry (as Lizzie Bell Moore), and on December 2, 1896, said Commission denied said application.

From this decision of the Commission an appeal was taken to the United States Court for the Central District of Indian Territory, which court on August 24, 1897, reversed the decision of the Commission and admitted said applicants as citizens by blood of the Choctaw Nation. The judgment of saidCourt also included the name of Catherine Moore, and admitted said CatherineMoore as a citizen by intermarriage of the Choctaw Nation.

Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw-Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations, or Tribes, vs. J. T. Riddle, et al".

Said cause was subsequently certified to the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo, and on March 28, 1904, in the case of William E. Moore, et al., vs. Choctaw and Chickasaw Nations (Choctaw-Chickasaw Citizenship Court case, No. 68, South McAlester Docket), said Citizenship Court rendered a judgment therein wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, William E. Moore, William L. Moore, Lizzie Belle Moore (or Lizzie B. McMurtry), John Marshall Moore (or Marshall J. Moore), Abb Lewis Moore (or Abslam L. Moore), Jackson Moore and Catherina Moore (or Katherine Moore), be denied, and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom".

On May 27, 1904, the Commission to the Five Civilized Tribes issued orders dismissing the application for the enrollment of Freda Gertrude Moore, Eva Moore and Dewey W. McMurtry as citizens by blood of the Choctaw Nation, for the reason that the citizenship of the persons through whom said applicants claimed their right to enrollment had been adversely determined by the Choctaw-Chickasaw Citizenship Court.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on March 2, 1906, a petition verified by William E. Moore, praying for the enrollment of William E. Moore, Catherine R. Moore, Toney Moore, Jackson Moore, Freda C. Moore, Leonard Moore, Tiney Moore, Eva Moore, Bulah Moore, Marshall Moore, Oluga Moore, David Moore, Lizzie B. McMurtry, Wallace McMurtry and Blanche McMurtry, as citizens by blood of the Choctaw Nation.

The petitioners, William E. Moore, Catherine R. Moore, Jackson Moore, Freda C. Moore, Leonard Moore, Eva Moore, Marshal Moore, Lizzie B. McMurtry, Wallace McMurtry and Toney Moore, are identical with the persons for whose enrollment as citizens of the Choctaw Nation application was made under the provisions of the Act of Congress approved July 1, 1902. This office has no record of any application ever having been made for the enrollment of the petitioners, Tiney Moore, Bulah Moore, Oluga Moore, David Moore and Blanche McMurtry, prior to December 1, 1905.

On June 9, 1906, applications were received for the enrollment of the following persons as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906, (34 Stats., 137); Teddie Moore, born January 24, 1905, minor daughter of William L. Moore and Jessie L. Moore; Ethel Moore, born August 2, 1905, minor daughter of John M. Moore and Olga Moore; John William McMurtry, born January 25, 1905, minor son of Allen McMurtry and Lizzie B. McMurtry.

The petitioners base their claim to a right to enrollment as citizens of the Choctaw Nation upon the allegation that the names of certain of the petitioners were placed on the 1896 Choctaw census roll.

It does not appear from the record herein or from the records in the possession of the Commissioner to the Five Civilized Tribes that any of the petitioners have ever been recognized as

citizens of the Choctaw Nation by any duly constituted authority. Their names do not appear upon any of the authentic rolls of citizens of the Choctaw Nation in the possession of the Commissioner to the Five Civilized Tribes.

There is, however, in the possession of the Commissioner to the Five Civilized Tribes a roll of citizens of Sugar Loaf County of the Choctaw Nation, prepared by Elum McCurtain, S. W. Folsom and Jefferson J. McElroy, The names of certain of the petitioners appear on said roll, as follows: William E. Moore, opposite No. 820; Leonard Moore, opposite No. 821; Lizzie Moore opposite No. 822; Marshall Moore, opposite No. 823; Absolam Moore, opposite No. 824, and Jackson Moore, opposite No. 825.

On the line immediately preceeding the first of the above names and in apparently the same handwriting, appear the words, "Rejected, not admitted". Said names were stricken from this roll, a line being drawn through each name. Following the list of names composing this roll and among which the above names appear, is the following certificate:

> "We hereby certify these names in the enrollment book as a true and correct list of citizens by blood. Given under our hand and seal this 20 day of October, 1896 A.D.
>
> Commissioners, Elum McCurtain, Seal
> S. W. Folsom, Seal
> Jefferson J. McElroy Seal".

It is presumed that said Commissioners were appointed under the provisions of the Act of the Choctaw Council of September 18, 1896, which provided for the appointment of three Commissioners in each county, by the Principal Chief for the purpose of preparing a roll of citizens of the several counties of the Choctaw Nation and the names of the petitioners herein were evidently stricken from said roll by said Commissioners. While this roll is not identical with the memorandum roll transmitted to the Department with this office letter of September 1, 1906, in the case of Nancy J. Murphy et al., and returned by the Department with its letter of January 12, 1907, (I.T.D. 15978-1906) it appears to have been prepared in a similar manner, and should be given no more consideration than should said memorandum roll be given. This roll has never been considered by this office as an authentic roll of the citizens of the Choctaw Nation and it is immaterial to determine by whom and by what authority the names of the applicants herein were stricken from said roll.

It is claimed that the applicant, William E. Moore, was a brother of Bettie A. Lewis, deceased, who was admitted to citizenship in the Choctaw Nation by an Act of the Choctaw Council. Frank Lewis, Belle Lewis, Annie Lewis, Curtis Lewis, Alice Lewis, Winnie Lewis, and Wallis G. Lewis, children of Bettie A. Lewis, have been enrolled as citizens by blood of the Choctaw Nation, and their names appear on the final roll of citizens by blood of said nation, opposite Nos. 7986, 7987, 7988, 7989, 7990, 7991 and 7992, respectively.

I am of the opinion that the record herein fails to show that the applicants have ever occupied such a status as would entitle them to enrollment as citizens of the Choctaw Nation; that the action of the Choctaw-Chickasaw Citizenship Court of March 28, 1904, is final, and that the application for the enrollment of William E. Moore, William L. Moore, John M. Moore, Absolam L. Moore, Jackson Moore and Lizzie McMurtry, and the petition herein in so far as same applies to said applicants, should be denied, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the application for the enrollment of Catherine R. Moore as a citizen by intermarriage of the Choctaw Nation and the petition herein, in so far as same applies to said applicant, should be denied, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Freda G. Moore, EvaMoore and Dewey W. (or Wallace) McMurtry, whose applications for enrollment as citizens by blood of the Choctaw Nation have heretofore been dismissed by the Commission to the Five Civilized Tribes, should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein, in so far as same applies to the petitioners, Tiney Moore and Oluga Moore, for whose enrollment as citizens, of the Choctaw Nation no application was made prior to December 1, 1905, should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Bulah Moore, David Moore and Blanche McMurtry, should be considered as an application for the enrollment of said petitioners as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), that said application and the applications filed June 9, 1906, for the enrollment of Ethel Moore, Teddie Moore and John William McMurtry, should be denied under, the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Signed Tams Bixby,
Commissioner.

Muskogee, Indian Territory,
Feb. 23, 1907.

Choc. Minor 1007
Teddie Moore

M1007

MINOR

CHOCTAW

ENROLLMENT

TEDDIE MOORE

FOR RECORD SEE PET # C - 92

A Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26, 1906.

C-----92
7-E-209
7-D-210
23-1006
23-1007
23-1061

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William E. Moore, et al., as citizens by blood of the Choctaw Nation.

D E C I S I O N

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes at Wister, Indian Territory, on June 6, 1899, by William E. Moore for the enrollment of himself and his children, William L. Moore, John M. Moore, Absolam L. Moore and Jackson Moore, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Catherine Moore as a citizen by intermarriage of said Nation; that on June 23, 1900, written application was filed for the enrollment of Freda Gertrude Moore, minor child of William E. Moore and Catherine Moore as a citizen by blood of the Choctaw Nation; that on December 24, 1902, written application was filed for the enrollment of Eva Moore, minor daughter of Leonard Moore and Jessie L. Moore, as a citizen by blood of the Choctaw Nation; that on June 6, 1889, application was made to the Commission to the Five Civilized Tribes by Lizzie McMurtry for the enrollment of herself and her minor son, Dewey W. McMurtry, as citizens by blood of the Choctaw Nation.

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, for admission to citizenship in the Choctaw Nation, among others, of the applicants, William E. Moore, William L. Moore (as William Lenlord Moore), John M. Moore (as John Marshall Moore), Absolam L. Moore (as Abb Lewis Moore), Jackson Moore and Lizzie B. McMurtry (as Lizzie Bell Moore), and on December 2, 1896, said Commission denied said application.

From this decision of the Commission an appeal was taken to the United States Court for the Central District of Indian Territory, which court on August 24, 1897, reversed the decision of the Commission and admitted said applicants as citizens by blood of the Choctaw Nation. The judgment of saidCourt also included the name of Catherine Moore, and admitted said CatherineMoore as a citizen by intermarriage of the Choctaw Nation.

Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw-Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations, or Tribes, vs. J. T. Riddle, et al".

Said cause was subsequently certified to the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo, and on March 28, 1904, in the case of William E. Moore, et al., vs. Choctaw and Chickasaw Nations (Choctaw-Chickasaw Citizenship Court case, No. 68, South McAlester Docket), said Citizenship Court rendered a judgment therein wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, William E. Moore, William L. Moore, Lizzie Belle Moore (or Lizzie B. McMurtry), John Marshall Moore (or Marshall J. Moore), Abb Lewis Moore (or Abslam L. Moore), Jackson Moore and Catherina Moore (or Katherine Moore), be denied, and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom".

On May 27, 1904, the Commission to the Five Civilized Tribes issued orders dismissing the application for the enrollment of Freda Gertrude Moore, Eva Moore and Dewey W. McMurtry as citizens by blood of the Choctaw Nation, for the reason that the citizenship of the persons through whom said applicants claimed their right to enrollment had been adversely determined by the Choctaw-Chickasaw Citizenship Court.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on March 2, 1906, a petition verified by William E. Moore, praying for the enrollment of William E. Moore, Catherine P. Moore, Toney Moore, Jackson Moore, Freda C. Moore, Leonard Moore, Tiney Moore, Eva Moore, Bulah Moore, Marshall Moore, Oluga Moore, David Moore, Lizzie B. McMurtry, Wallace McMurtry and Blanche McMurtry, as citizens by blood of the Choctaw Nation.

The petitioners, William E. Moore, Catherine P. Moore, Jackson Moore, Freda G. Moore, Leonard Moore, Eva Moore, Marshal Moore, Lizzie B. McMurtry, Wallace McMurtry and Toney Moore, are identical with the persons for whose enrollment as citizens of the Choctaw Nation application was made under the provisions of the Act of Congress approved July 1, 1902. This office has no record of any application ever having been made for the enrollment of the petitioners, Tiney Moore, Bulah Moore, Oluga Moore, David Moore and Blanche McMurtry, prior to December 1, 1905.

On June 9, 1906, applications were received for the enrollment of the following persons as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906, (34 Stats., 137); Teddie Moore, born January 24, 1905, minor daughter of William L. Moore and Jessie L. Moore; Ethel Moore, born August 2, 1905, minor daughter of John M. Moore and Olga Moore; John William McMurtry, born January 25, 1905, minor son of Allen McMurtry and Lizzie B. McMurtry.

The petitioners base their claim to a right to enrollment as citizens of the Choctaw Nation upon the allegation that the names of certain of the petitioners were placed on the 1896 Choctaw census roll.

It does not appear from the record herein or from the records in the possession of the Commissioner to the Five Civilized Tribes that any of the petitioners have ever been recognized as

citizens of the Choctaw Nation by any duly constituted authority. Their names do not appear upon any of the authentic rolls of citizens of the Choctaw Nation in the possession of the Commissioner to the Five Civilized Tribes.

There is, however, in the possession of the Commissioner to the Five Civilized Tribes a roll of citizens of Sugar Loaf County of the Choctaw Nation, prepared by Elum McCurtain, S. W. Folsom and Jefferson J. McElroy, The names of certain of the petitioners appear on said roll, as follows: William E. Moore, opposite No. 820; Leonard Moore, opposite No. 821; Lizzie Moore opposite No. 822; Marshall Moore, opposite No. 823; Absolam Moore, opposite No. 824, and Jackson Moore, opposite No. 825.

On the line immediately preceeding the first of the above names and in apparently the same handwriting, appear the words, "Rejected, not admitted". Said names were stricken from this roll, a line being drawn through each name. Following the list of names composing this roll and among which the above names appear, is the following certificate:

> "We hereby certify these names in the enrollment book as a true and correct list of citizens by blood. Given under our hand and seal this 20 day of October, 1896 A.D.
>
> Commissioners, Elum McCurtain, Seal
> S. W. Folsom, Seal
> Jefferson J. McElroy Seal".

It is presumed that said Commissioners were appointed under the provisions of the Act of the Choctaw Council of September 18, 1896, which provided for the appointment of three Commissioners in each county, by the Principal Chief for the purpose of preparing a roll of citizens of the several counties of the Choctaw Nation and the names of the petitioners herein were evidently stricken from said roll by said Commissioners. While this roll is not identical with the memorandum roll transmitted to the Department with this office letter of September 1, 1906, in the case of Nancy J. Murphy et al., and returned by the Department with its letter of January 12, 1907, (I.T.D. 15978-1906) it appears to have been prepared in a similar manner, and should be given no more consideration than should said memorandum roll be given. This roll has never been considered by this office as an authentic roll of the citizens of the Choctaw Nation and it is immaterial to determine by whom and by what authority the names of the applicants herein were stricken from said roll.

It is claimed that the applicant, William E. Moore, was a brother of Bettie A. Lewis, deceased, who was admitted to citizenship in the Choctaw Nation by an Act of the Choctaw Council. Frank Lewis, Belle Lewis, Annie Lewis, Curtis Lewis, Alice Lewis, Winnie Lewis, and Wallis G. Lewis, children of Bettie A. Lewis, have been enrolled as citizens by blood of the Choctaw Nation, and their names appear on the final roll of citizens by blood of said nation, opposite Nos. 7986, 7987, 7988, 7989, 7990, 7991 and 7992, respectively.

I am of the opinion that the record herein fails to show that the applicants have ever occupied such a status as would entitle them to enrollment as citizens of the Choctaw Nation; that the action of the Choctaw-Chickasaw Citizenship Court of March 28, 1904, is final, and that the application for the enrollment of William E. Moore, William L. Moore, John M. Moore, Absolam L. Moore, Jackson Moore and Lizzie McMurtry, and the petition herein in so far as same applies to said applicants, should be denied, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

Iam further of the opinion that the application for the enrollment of Catherine R. Moore as a citizen by intermarriage of the Choctaw Nation and the petition herein, in so far as same applies to said applicant, should be denied, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Freda G. Moore, EvaMoore and Dewey W. (or Wallace) McMurtry, whose applications for enrollment as citizens by blood of the Choctaw Nation have heretofore been dismissed by the Commission to the Five Civilized Tribes, should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein, in so far as same applies to the petitioners, Tiney Moore and Oluga Moore, for whose enrollment as citizens, of the Choctaw Nation no application was made prior to December 1, 1905, should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Bulah Moore, David Moore and Blanche McMurtry, should be considered as an application for the enrollment of said petitioners as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), that said application and the applications filed June 9, 1906, for the enrollment of Ethel Moore, Teddie Moore and John William McMurtry, should be denied under, the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Signed Tams Bixby,
Commissioner.

Muskogee, Indian Territory,
Feb. 23, 1907.

7-D-143
23-1107

Muskogee, Indian Territory, December 7, 1906.

Chilion Riley,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 13, 1906, referring to office letter of November 10, 1906, with which was inclosed copy of the decision of the Commissioner to the Five Civilized Tribes of same date denying the applications for the enrollment as citizens of the Choctaw Nation of Annie Ervin and Ruth Ervin, children of Charles W. Ervin an intermarried citizen of the Choctaw Nation and Dollie Ervin a non citizen; you state that in said decision the rights of Lula Ervin and Alice Ervin are not passed upon; you further state that it appears from the records of your office that on December 2, 1902, Charles W. Ervin an intermarried citizen of the Choctaw Nation made application for the enrollment of his minor children Lula and Alice Ervin and that on February 2, 1905, the Commission to the Five Civilized Tribes rendered a decision holding that these applicants were not entitled to enrollment, but this decision has never been confirmed by the Department; you state that it further appears from the records in your office that on February 7, 1906, you filed a petition praying for the enrollment of Lula and Alice Ervin as citizen of the Choctaw Nation

C. R. #2

under the rules and regulations of this office of January 2, 1906 and that on or about the same date you filed petition for the enrollment of Annie Ervin and the records of your office do not show a any application for the enrollment of Ruth Ervin. You state that it also appears that on July 10, 1906, you transmitted to this office applications for the enrollment of Alice, Lula and Annie Ervin under the provision of the Act of Congress approved April 26, 1906, and that on August 22, 1906, receipt was acknowledged of said applications.

Since you can find no records in your office relative to the enrollment of Ruth Ervin, and since it does not appear from the decision of November 10, 1906, that the rights of Annie and Lula Ervin are passed upon, you request to be advised the present status of said applications.

In reply to your letter you are advised that on February 2, 1905, a decision was rendered denying the application for the enrollment of Lula and Alice Ervin as citizens of the Choctaw Nation and on the same date the record in this case was transmitted to the Secretary of the Interior. This case is still pending before the Department and on October 26, 1906, the petition filed by you January 26, 1906, for the enrollment of these persons as citizens of the Choctaw Nation, was transmitted to the Department for consideration in connection with the record and decision already forwarded.

C. R. #3

It further appears that Charles W. and Dollie Ervin at Hugo, Indian Territory, May 8, 1906, made personal application for the enrollment of their child Ruth Ervin born July 8, 1905, and on July 11, 1906, an application was received from you for the enrollment of Annie Ervin, child of Charles and Annie Ervin born January 24, 1903.

The application for the enrollment of Annie and Ruth Ervin was denied by the Commissioner to the Five Civilized Tribes on November 10, 1906, and on the same date the record in this case was forwarded the Secretary of the Interior.

Respectfully,

Acting Commissioner.

Choc. Minor 1008
Annie Myrtle Maney

M1008

1008

MINOR

CHOCTAW

ENROLLMENT

ANNIE MYATT MANEY

L M 132

FOR RECORD SEE PET # C - 132.
DUPLICATE RECORD IN 7-4575

As Citizen of the
CHOCTAW Nation
Acc'd Card
Approved April 26, 1906

1008

JUN 12 1996

Docket No. [illegible] May 21 1904

[illegible] Application of
the [illegible] application to
[illegible] the county and state
in Texas, Lucia Manley

Enclosed you will see the names
of the witnesses to the birth of
the child Annie M. Manley.

Witnesses

Hagy, A. [illegible] Hagy [illegible]

Amanda [illegible]ake

W. F. Leake Notary Public
Comm exp Oct 27, 1906

C-132
7-4575 7-2369
7-3324 7-2759
7-2206 7-3328
7-2207
7-2649
7-2769
7-2208
7-3327
7-3326
7-R-345
Memo-39
7-5334
23-1008
23-1077
23-1078

W. C. F.

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of RICHARD S. PENNIGHT, et al., as citizens of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 6, 1899, by Richard S. Bennight, for the enrollment of himself and his minor children, Luther Bennight, Winn Bennight and Dora T. Bennight, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Anna Bennight, as a citizen by intermarriage of the Choctaw Nation; that on May 24, 1900, written application was filed for the enrollment of Tennie May Bennight, minor daughter of Richard S. Bennight and Annie E. Bennight, as a citizen by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Calvin, Indian Territory, on August 9, 1899, by Samantha A. Stonecipher, for the enrollment of herself and her minor children, James B. Stonecipher, Bessie M. Stonecipher, Bessie B. Stonecipher and Rossee Stonecipher, as citizens by blood of the Choctaw Nation; that on June 7, 1900, written application was filed for the enrollment of L. C. Stonecipher, and on February 21, 1902, written application was filed for the enrollment of Ote Stonecipher, minor children of Wright Stonecipher and Samantha Stonecipher, as citizens by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Talihina, Indian Territory, on June 1, 1899, by Laura C. Messersmith, for the enrollment of herself and her minor children, Agnes Messersmith, Samuel M. McKinley, Josephine C. McKinley and John Lee McKinley, as citizens by blood of the Choctaw Nation, and for the enrollment of her husband, Clark Messersmith, as a citizen by intermarriage of the Choctaw Nation, that on April 26, 1902, application was made for the enrollment of Robert Jackson Vanderslice as a citizen by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Talihina, Indian Territory, on June 1, 1899, by James C. Johnson for the enrollment of himself and his

minor children, Alvin Johnson, William C. Johnson, Jesse B. Johnson, Escoe Johnson and Addie May Johnson, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Delila Johnson, as a citizen by intermarriage of the Choctaw Nation; that on June 7, 1900, application was made for the enrollment of Alice Johnson as a citizen by intermarriage of the Choctaw Nation; that on January 9, 1902, written application was made for the enrollment of Virgie Benton Johnson, minor child of Alvin Johnson and Alice Johnson, as a citizen by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Spiro, Indian Territory, on June 14, 1899, by Hasey A. F. Vandergriff, for the enrollment of herself and her minor children, James M. Vandergriff, William P. Vandergriff, Emma L. Vandergriff, Annie C. Vandergriff and Dovey D. Vandergriff, as citizens by blood of the Choctaw Nation; that on January 17, 1902, written application was filed for the enrollment of Hildreth Vandergriff, minor child of James Vandergriff and Cleo Vandergriff, as a citizen by blood of the Choctaw Nation; that on June 15, 1899, application was made to the Commission to the Five Civilized Tribes at Spiro, Indian Territory, by James M. Bragdon, for the enrollment of Sarah D. Bragdon and her minor children, Wesley H. Bragdon, Jodie J. Bragdon, Allamentie Bragdon and Riley Bragdon, as citizens by blood of the Choctaw Nation; that on June 1, 1899, application was made to the Commission to the Five Civilized Tribes at Talihina, Indian Territory, by James C. Johnson, for the enrollment of Lena A. Williams and Samuel C. Williams as citizens by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Calvin, Indian Territory, August 9, 1899, by Milus Johnson, for the enrollment of himself and his minor child, Fannie Lee Johnson, as citizens by blood of the Choctaw Nation; that on February 11, 1902, written application was filed for the enrollment of Eulalie Johnson, minor child of Milus Johnson and Mattie Johnson, as a citizen by blood of the Choctaw Nation; that on August 9, 1899, application was made to the Commission to the Five Civilized Tribes at Calvin, Indian Territory, by Dortus Parish, for the enrollment of herself and her minor children, Nellie J. Parish and Nannie E. Parish, as citizens by blood of the Choctaw Nation; that on August 27, 1901, written application was filed for the enrollment of Ethel May Parish, minor daughter of R. F. Parish and Dortus Parish, as a citizen by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes during the month of August, 1899, by Ora Wingfield, for the enrollment of herself and her minor children, Emily C. Wingfield, Samuel W. Wingfield and William G. Wingfield, as citizens by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, October 2, 1900, by Minerva A. Battershell, for the enrollment of herself and her minor children, Binney D. Smith, Toby Y. Smith and Lucy I. Battershell, as citizens by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Calvin, Indian Territory, on August 9, 1899, by Atrus Thomas for the enrollment of herself and her minor daughter, Emma D. Thomas; that on January 9, 1902, written application was filed for the enrollment of Edna Lee Thomas, minor daughter of Atrus Thomas and W. I. Thomas as a citizen by blood of the Choctaw Nation;

that application was made to the Commission to the Five Civilized Tribes at Wister, Indian Territory, on June 7, 1899, by Harvey E. McLarty for the enrollment of Sarah McLarty and her minor children, Elton E. McLarty and Burr McLarty as citizens by blood of the Choctaw Nation; that on October 8, 1900, written application was filed for the enrollment of Ida Belle McLarty, minor child of Harvey E. McLarty and Sarah McLarty as a citizen by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Spiro, Indian Territory, on June 15, 1899 by Amanda I. Brake for the enrollment of herself and her minor daughter, Mary Brake, as a citizen by blood of the Choctaw Nation.

It further appears from the records in the possession of the Commission to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 7, 1896, for the admission for certain of the applicants herein as citizens of the Choctaw Nation, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321) in 1896 Choctaw Citizenship case No. 916, said names appearing in the application as follows: Luther Bennight, Wm Bennight, Dora Jeff Bennight, Richard S. Bennight, Annie Bennight, Sarah D. Brogdon, Lily Brogdon, Vehly H. Brogdon, Jody J. Brogdon, Alaminta Brogdon, Mary Ann F. Vandergriff, James M. Vandergriff, William P. Vandergriff, Emer L. Vandergriff, Annie C. Vandergriff and Bevie D. Vandergriff. The names of Susan S. Bennight, Jessie D. Bennight, Millard Bennight, Evy G. Bennight, Mandy I. Vandergriff, Sarah McLarty, Elton E. McLarty, Burr McLarty and Sam Snyder also appeared in said application.

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 9, 1896, for the admission of certain of the applicants herein as citizens of the Choctaw Nation, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), in 1896 Choctaw Citizenship case No. 1026, the names of said applicants appearing in said application as follows: James Johnson, S. Ann Stonecipher, James E. Stonecipher, Essie May Stonecipher, Bessie Bertha Stone-Cipher, Roscoe Stonecipher, Dortus Parish, Nellie T. Parish, Milus Johnson, Alvin Johnson, William C. Johnson, Jesse B. Johnson Rose Johnson, Addie May Johnson, Delila Johnson, Laura C. McKinley, Lena A. Williams, Samual C. Williams, Samuel M. McKinley, Josephine O. McKinley and John Lee McKinley. The Name of Atrus Johnson also appeared in said application.

On December 4, 1896, [illegible], the Commission denied the applicants in case No. 916, and on December 5, 1896, said Commission denied the applicants in case No. 1026.

From these decisions of the Commission appeal was taken to the United States Court for the Central District of Indian Territory, said cases being consolidated on appeal, which court on September 11, 1897, rendered a judgment admitting all of said applicants to citizenship in the Choctaw Nation except Susan S. Bennight, Jesse D. Bennight, Millard Bennight and Evy G. Bennight, whose applications were denied by said judgment.

Said judgment was subsequently vacated, set aside and held for naught be a decree of the Choctaw-Chickasaw Citizenship Court of December 17, 1902, in the test case of "Choctaw and Chickasaw Nations of Tribes vs. J. T. Riddle, et al".

Said cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de nove, and April 18, 1904, in the case entitled "Sarah D. Brogdon, et al., vs. Choctaw and Chickasaw Nations" (Choctaw-Chickasaw Citizenship Court case No. 65, South McAlester Docket), said Citizenship Court rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Sarah D. Brogdon, Wesley H. Brogdon, Jodie J. Brogdon, Allamanta Brogdon, Hazy Ann F. Vandergriff, Amaida I. Drake or Amanda I. Vandergriff, James M. Vandergriff, William P. Vandergriff, Emma I. Manly or Emma L. Vandergriff, Annie C. Vandergriff, James C. Johnson, S. Ann Stonecipher, James B. Stonecipher, Esa May Stonecipher, or Essie May Stonecipher, Bessie Bertha Stonecipher, Roscoe Stonecipher, Dartus Parrish or Dortus Parish, Nellie T. Parrish or Parish, Milus Johnson, Beatrice Thomas or Atrus Johnson, Addie May Johnson, Alvin Johnson, William C. Johnson, Jesse B. Johnson or Jessie B. Johnson, Esco Johnson or Escoe Johnson, Laura C. Vanderslice or Laura C. McKinley, Josephine C. McKinley, John Lee McKinley, Lena A. Boggs or Lena A. Williams, Samuel C. Williams, Delilah Johnson or Delila Johnson, Sarah McClarty, Elton McClarty and Burr McClarty be denied and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom; and as to the petitioners, Riley Brogdon . . . . . the Court having no jurisdiction, their petition is dismissed".

On the same date, said Citizenship Court rendered a judgment in the case of "Susan S. Benhight, et al., vs. Choctaw and Chickasaw Nations", wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Susan S. Benhight, Richard S. Benhight, Jessie D. Benhight or Jesse D. Benhight, Annie E. Benhight or Annie Benhight, James Luther Benight or Luther Benight, Winn Benight, Dora Jeff Benight, Millard Benight, and Evy G. Benight or Eva G. Benight be denied, and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom".

On May 9, 1902, the Commission to the Five Civilized Tribes refused the application for the enrollment of Osa Wingfield, Emily C. Wingfield, Samuel W. Wingfield and William C. Wingfield, under the provisions of the Act of Congress approved May 31, 1900 (31 Stats., 221), and on June 9, 1902, this action of the Commission was approved by the Department.

On November 20, 1900, the Commis ion to the Five Civilized Tribes refused the application for the enrollment of Minerva A. Battershell, Binney D. Smith, Toby Y. Smith and Lucy I. Battershell, under the rpovisions of the Act of Congress approved May 31, 1900, (31 Stats., 221), and on April 3, 1901, this action of the Commission was approved by the Department.

On May 27, 1904, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Mildreth Vandergriff, Agnes Messersmith, Robert Jackson Vanderslice, Fannie L. Johnson, Eulalie Johnson, Nannie E. Parish, Ethel

May Parish, L. C. Stonecipher, Oto Stonechipher, Tennie M. Bennight, Emma D. Thomas, Edna Lee Thomas, Ida Bolin McLarty and Virgle Benton Johnson, for the reason that the citizenship of the persons through whom said applicants claimed a right to enrollment had been adversely determined by the Choctaw-Chickasaw Citizenship Court.

On May 27, 1904, the application for the enrollment of Alice Johnson as a citizen by intermarriage of the Choctaw Nation was dismissed by the Commission to the Five Civilized Tribes for the reason that her husband, through whom she claimed her intermarried rights, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

On February 1, 1905, the Commission to the Five Civilized Tribes dismissed the application for the enrollment of Samuel M. McKinley in accordance with the opinion of the Acting Attorney General dated May 9, 1904 (I.T.D. 3824-1904), and the opinion of the Assistant Attorney General dated July 30, 1904 (I.T.D. 5246-1904).

By a general order of the Commission of March 31, 1905, the applications for the enrollment of Clark Messersmith, Mary Brake and Annie C. Vandergriff were dismissed, said applicants having died prior to September 25, 1902.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on June 25, 1906, by W. O. Pool and M. M. Lindly, attorneys at law, South McAlester, Indian Territory, a petition praying for the enrollment of Susan Benight, R. S. Benight, Jessie D. Benight, Millard Benight, Eva G. Benight, Hazy Ann Vandergriff, Sillar Elizabeth Sorrels, Sarah McClarty, Amanda I. Bakes (nee Vandergriff), William P. Vandergriff, Emma L. Vandergriff, Annie C. Vandergriff, Dora D. Vandergriff, Lucinda Snyder, Samuel Snyder, Wilbert Shandy, John Shandy, Georgia A. Bottoms or Georgie Bottom, James Bottom, Minnie Bottom, Becca McLain or Rebecca McLain, Frankie Bryant (nee McLain), Manerva Smith, Benjamin Smith, Tobias Smith, E. Battershell, Lucy Battershell, Sarah Brogden, Westly H. Brogden, Allamenta Brogden, Joseph L. Brogden, Riley Brogden, James C. Johnson, Delilah Johnson, S. Ann Stonecipher, Dartus Parish, Milas Johnson, Atrus Thomas, Alvin Johnson, William C. Johnson, Maude May Johnson, Esco Johnson, Laura C. Vanderslice or Laura C. McKinley, Samuel M. McKinley, Joseph C. McKinley, John Leo McKinley, Samuel C. Williams, Emma D. Thomas, Fannie Johnson, Kloyar Johnson, Earnest Johnson, Allice Johnson, Virgel Johnson, Samuel Sorrels, Manda C. Sorrels, Anna Benight, Luther Benight, Wenn Benight, Dora Jeff Benight, Elton E. McClarty, Burr McClarty, James B. Stonecipher, Essie Stonecipher, Bessie Stonecipher, Roscoe Stonecipher, Otto Stonecipher, Nellie T. Baggett (nee Parish), Oza Wingfield or Osa Wingfield or Ozie Windfield, Emily C. Windfield, Samuel Windfield, Mrs David W. Reeves and Lena A. Beggs or Lela Beggs as citizens of the Choctaw Nation.

The petitioners, Luther Benight, Wenn Benight, Dora Jeff Benight, R. S. Benight, Annie Benight, Sarah Brogden, Riley Brogden, Westly H. Brogden, Joseph L. Brogden, Fannie Johnson, Kloyar Johnson, Oza Wingfield, or Osa Wingfield or Ozie Windfield, Allamenta Brogden, Hazy Ann Vandergriff, William P. Vandergriff, Emma L. Vandergriff, Annie C. Vandergriff, Dora D. Vandergriff, James C. Johnson, S. Ann Stonecipher, James B. Stonecipher, Essie Stonecipher,

Bessie Stonecipher, Roscoe Stonecipher, Emily C. Windfield, Samuel Windfield, Dartus Parish Nellie T. Baggett (nee Parish), Milas Johnson, Alvin Johnson, William C. Johnson, Maude May Johnson, Esco Johnson, Delilah Johnson, Laura C. Vanderslice, Samuel C. Williams, Samuel M. McKinley, Joseph C. McKinley, John Lee McKinley, Manerva Smith, Benjamin Smith, Tobias Smith, Lucy Pattershell, Allice Johnson, Virgil Johnson, Sarah McClarty, Amanda I. Brakes, (nee Vandergriff), Atrus Thomas, Elton E. McClarty, Burr McClarty and Emma D. Thomas, are identical with the persons for whose enrollment as citizens of the Choctaw Nation applications were made under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495).

This office has no record of any application ever having been made for the enrollment of the petitioners, Susan Benight, Jessie D. Benight, Millard Benight, Eva G. Benight, Samuel Snyder, Sillar Elizabeth Sorrels, Lucinda Snyder, Wilbert Shandy, John Shandy, Georgia A. Bottoms or Georgie Bottom, James Bottom, Minnie Bottom, Becca McLain or Rebecca McLain, Frankie Bryant (nee McLain), Earnest Johnson, Samuel Sorrels, Manda C. Sorrels and Mrs. David W. Reeves at any time prior to December 1, 1905.

Applications were received for the enrollment of the following persons as citizens of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137):

June 11, 1906, Rosena Vandergriff, born September 10, 1903, minor child of James M. Vandergriff and Cleo Vandergriff;

June 1, 1906, Carl E. Vandergriff, born March 28, 1904, minor son of William P. Vandergriff and Nelle Vandergriff;

June 18, 1906, Annie Myrtle Manly, born September 13, 1903, minor daughter of James Manly and Emma L. Manly;

June 11, 1906, Ury Eugene Boggs, born November 25, 1902, Samuel Leslie Boggs and John Lester Boggs, born September 12, 1905, minor children of Warren Boggs and Lena A. Boggs.

It is alleged in the petition filed June 25, 1906, that the Indian blood and residence, as well as the birth of the petitioners in the Choctaw Nation entitled them under all the laws and treaties, usages and customs and decisions of the Attorney General to be enrolled as members of the Choctaw tribe of Indians; that the Commission to the Five Civilized Tribes, the United States Court and the Choctaw-Chickasaw Citizenship Court had no jurisdiction over said petitioners.

It does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that the petitioners have ever been recognized or enrolled as citizens of the Choctaw Nation by the tribal authorities of said nation. The names of none of said petitioners appear upon any of the tribal rolls of the Choctaw Nation in the possession of this office.

I am, therefore, of the opinion that the petitioners have never occupied such a status as would entitle them to enrollment as citizens of the Choctaw Nation; that the action of the Choctaw-Chickasaw Citizenship Court of April 18, 1904, is final, and that the applications for the enrollment of Richard G. Bennight, Luther Bennight, Winn Bennight, Dora J. Bennight, Laura C. Vanderslice, Josephine C. (or Joseph C.) McKinley, John Lee McKinley,

Haney A. F. Vandergriff, James M. Vandergriff, William P. Vandergriff, Emma L. Vandergriff, Dovey D. Vandergriff, James C. Johnson, Alvin Johnson, William C. Johnson, Jesse B. Johnson, Esco Johnson, Addie May Johnson, Sarah D. Bragdon, Wesley M. Bragdon, Jodie J. (or Joseph L.) Bragdon, Allaminta Bragdon, Riley Bragdon, Lena A. Williams, Samuel C. Williams, Dortus Parish, Nellie J. Parish, Samantha Stonecipher, James B. Stonecipher, Essie M. Stonecipher, Bessie B. Stonecipher, Roscoe Stonecipher, Milus Johnson, Sarah McLarty, Elton E. McLarty, Burr McLarty, Amanda I. Brake and Artus Thomas as citizens by blood of the Choctaw Nation, and the petition herein in so far as same applies to said applicants, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the application for the enrollment of Delilah Johnson and Anna Bennight as citizens by intermarriage of the Choctaw Nation, and the petition herein in so far as same applies to said applicants, should be denied, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that following the ruling of the Department of May 25, 1906 (I.T.D. 9114-1906), in the case of Laura E. Akin, the application for the admission of Susan S. Benight, Millard Benight, Ivy G. Benight, Sam Snyder and Jessie B. Benight as citizens of the Choctaw Nation, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), were not continuing applications, and inasmuch as no application was filed for their enrollment as citizens of the Choctaw Nation prior to December 1, 1905, the petition herein in so far as it applies to said petitioners, should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Samuel M. McKinley, Otto (or Oto) Stonecipher, Fannie (or Fannie L.)Johnson, Eleyer (or Eulalie) Johnson, Annie C. Vandergriff, Alice Johnson, Virgel (or Virgle Benton) Johnson and Emma D. Thomas, whose applications for enrollment as citizens of the Choctaw Nation have heretofore been dismissed, should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Minerva Smith, Benjamin Smith, Tobias Smith, Lucy Battershell, Ozie Windfield, Emily C. Windfield and Samuel W. Windfield, whose applications for enrollment as citizens of the Choctaw Nation have heretofore been refused, should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein, in so far as it applies to the petitioners, Sillar Elizabeth Serrels, John Shandy, Georgia Bottom, Rebecca McLain, Mrs. David W. Reeves, E. Battershell, Frankie Bryant (nee McLain) and Dora D. Vandergriff, for whose enrollment as citizens of the Choctaw Nation no application was made prior to December 1, 1905, should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Lucinda Snyder, Wilbert

Shandy, James Bottom, Minnie Bottom, Earnest Johnson, Samuel Serrels and Manda C. Serrels, should be considered as an application for the enrollment of said petitioners as citizens of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), that said application should be denied, and it is so ordered.

I am further of the opinion that the applications filed June 1, 1906, June 11, 1906, and June 18, 1906, for the enrollment of Carl R. Vandergriff, Rosena Vandergriff, Ury Eugene Boggs, Samuel Leslie Boggs, John Lester Boggs and Annie Myrtle Manly as citizens of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

SIGNED Tams Bixby

Commissioner.

Muskogee, Indian Territory,

FEB 18 1907

7-2649

Muskogee, Indian Territory, June 12, 1906.

James Manly,

Pocola, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 25, 1906, inclosing affidavit of Emma L. Manly and joint affidavit of Hazy F. Vandagriff and Amanda J. Brake to the birth of Annie M. Manly, child of James and Emma L. Manly, September 13, 1903; also marriage license and certificate between James A. Manly and Miss Emma Vandagriff.

Respectfully,

Commissioner.

Choc. Minor 1009

Oita McCarty
Ivyl McCarty

M1009

1009

MINOR

CHOCTAW

ENROLLMENT

OITA MC CARTY

IVYL MC CARTY

For record see Choctaw # 3302
See Petition #88

As Citizen of the
[illegible] NATION
[illegible] Congress
Approved April 26 1906

1009

1902

20

IN RE

Application for Enrollment of

INFANT CHILD

as a citizen of the

Nation.

Approved *190*

Commissioner.

It appearing that John McCarty the father of the applicant Ivyl McCarty was denied by the Choctaw and Chickasaw Citizenship Court April 30, 1904 and that Mary L. McCarty his mother was denied by said court January 30, 1904, it is therefore ordered that the application for the enrollment of Ivyl McCarty as a minor citizen of the Choctaw Nation be, and the same is, hereby dismissed.

Commissioner.

Muskogee, Indian Territory.

MAR 4 1907

NOV 22 1902

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Virgil male child (Here insert name of child), born on the first day of Oct, 1902
Name of Father: J E McCarty, a citizen of the Choctaw Nation.
Name of Mother: Mary L McCarty, a citizen of the Choctaw Nation.
Post-Office: Tom, Grayson
Indian Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Southern District. }

I, Mary L McCarty, on oath state that I am 22 years of age and a citizen, by blood, of the Choctaw Nation; that I am the lawful wife of J E McCarty, who is a citizen, by blood, of the Choctaw Nation, that a male (Male or female.) child was born to me on the first day of Oct 1902; that said child has been named Virgil, and is now living.

Mary L McCarty

WITNESSED TO MARK:

(Must be Two Witnesses.) }

Subscribed and sworn to before me this 15th day of Nov 1902

S E Drummond
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
District. }

I, C. F. Sullivan, a Practicing Physician, on oath state that I attended on Mrs. Mary L McCarty, wife of J E McCarty, on the first day of Oct, 1902; that there was born to her on said date a male (Male or female.) child; that said child is now living and is said to have been named Virgil McCarty.

C. F. Sullivan M.D.

WITNESSED TO MARK:

(Must be Two Witnesses.) }

Subscribed and sworn to before me this 15th day of Nov 1902

S E Drummond
Notary Public.

C----98
C----99
C---100
C---102
C---125
7--3299
7--3301
7--3302
7--3303
7--3513
7--3542
7-D-405
23-1270
23-1000
23-1009.
7--3552

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Charlotte E. Barr, et al., as citizens of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on August 8, 1899, at Calvin, Indian Territory, by Charlotte E. Barr for the enrollment of herself as a citizen by blood of the Choctaw Nation; that on the same date application was made by Everett E. McCarty for the enrollment of himself and his children Jennie V. McCarty and Carroll C. McCarty, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Evelyn E. McCarty, as a citizen by intermarriage of the Choctaw Nation; that on August 17, 1899, application was made to the Commission to the Five Civilized Tribes at Durant, Indian Territory, by Charles M. McCarty, for the enrollment of himself and his children, Mildred McCarty and Lucile McCarty, as citizens by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Calvin, Indian Territory, on August 8, 1899, by John McCarty for the enrollment of himself, Floyd Lewis and Mittie Lewis as citizens by blood of the Choctaw Nation. That on the same date application was made to the Commission to the Five Civilized Tribes by Theron B. McCarty for the enrollment of himself and his minor child, Everett B. McCarty, as citizens by blood of the Choctaw Nation; that on February 16, 1901, written application was filed for the enrollment of Stewart Milton McCarty, minor child of Theron B. McCarty, and Annie L. McCarty, as a citizen by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Atoka, Indian Territory, September 1, 1899, by Theron B. McCarty for the enrollment of his wife, Annie L. McCarty, as a citizen by intermarriage of the Choctaw Nation; that on August 17, 1899, application was made to the Commission to the Five Civilized Tribes at Durant, Indian Territory, by Richard B. McBee, for the enrollment of himself as an intermarried citizen of the Choctaw Nation, and for the enrollment of his wife, Maggie McBee, as a citizen by blood of the Choctaw Nation; that on August 8, 1899, application was made to the Commission to the Five Civilized Tribes, at Calvin, Indian Territory, by Lonice McCarty for the enrollment of himself and his minor son, Dewey McCarty, as citizens by blood of the Choctaw Nation.

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that the applicants, Charlette R. Barr (as Charlette R. McCarty), Everett R. McCarty, Evelyn R. McCarty (as Eveline R. McCarty), Jennie V. McCarty, (as Jennie S. McCarty), Carrell C. McCarty (as Carl S. McCarty), John McCarty (as John R. McCarty), Floyd Lewis (as Bland Lewis), Mittie Lewis, Theron R. McCarty and Lonise McCarty, were applicants to the Commission to the Five Civilized Tribes for admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), in 1896 Choctaw Citizenship Case No. 1278, and that on December 8, 1896, said application was denied by the Commission to the Five Civilized Tribes.

Application was also made to the Commission to the Five Civilized Tribes on September 9, 1896, for the admission to citizenship in the Choctaw Nation of the applicants, Charles M. McCarty (as Chas. M. McCarty), Mildred McCarty, Lucile McCarty (as Lucile McCarty), and Maggie McCarty under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), in 1896 Choctaw Citizenship Case No. 1309. December 8, 1896, the Commission rejected said application.

From these decisions of the Commission appeal was taken to the United States Court for the Central District of the Indian Territory, said cases being consolidated upon appeal, and on August 26, 1897, said court rendered a decision reversing the decision of the Commission as to the applicants herein and admitting said applicants as citizens of the Choctaw Nation.

Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw-Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al".

Said cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo, and on April 30, 1904, in the case entitled John McCarty et al., vs. Choctaw and Chickasaw Nations (Choctaw-Chickasaw Citizenship Court, Case No. 29, South McAlester Docket), said Citizenship Court rendered a judgment therein wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, John McCarty, Evaline R. McCarty or Evelyn R. McCarty . . . . . Theron R. McCarty, Lonise McCarty or Louis McCarty, Jennie V. McCarty Carl C. McCarty or Carrell C. McCarty, Charlette R. McCarty, Floyd Lewis, Mittie Lewis or Millie Lewis. . . . . C. M. McCarty. . . . . Maggie McCarty, Mildred McCarty, Lucile McCarty, as Loucile McCarty, ... be denied and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such and not entitled to any rights whatever flowing therefrom". The name of Everett R. McCarty was not included in said judgment.

On May 27, 1904, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Everett R. McCarty, Stewart Milton McCarty and Dewey McCarty, for the reason that the persons through whom said applicants claim the right to enrollment as citizens of the Choctaw Nation had been denied citizenship by the Choctaw and Chickasaw Citizenship Court. On the same date the Commission issued orders dismissing the applications for the enrollment of Annie L. McCarty and Richard R. McRae as intermarried citizens of the Choctaw Nation for the reason that the rights of Theron R. McCarty and Maggie McRae, through whom they respectively claimed, had been adversely determined by the Choctaw-Chickasaw Citizenship Court.

On April 19, 1906, the application of Everett E. McCarty for enrollment as a citizen by blood of the Choctaw Nation was dismissed by the Commissioner to the Five Civilized Tribes in accordance with the opinion of the Act Attorney General, dated May 9, 1904 (I.T.D. 3824-1904), and the opinion of the Assistant Attorney General for the Department of the Interior, dated July 30, 1904 (I.T.D. 5246-1904).

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there were filed on February 20, 1906, March 13, 1906 and May 24, 1906, by Cruce, Cruce & Bleakmore, attorneys for the petitioners, petitions praying for the enrollment of J. E. McCarty, Lettie Barr, Lenice McCarty, Dewey McCarty, T. B. McCarty, Annie L. McCarty, Everett E. McCarty, Stuart M. McCarty, Julia Pauline McCarty, Jennie S. Cox, C. M. McCarty, Maggie McBee, Mildred McCarty, Lucile E. McCarty and R. E. McBee as citizens of the Choctaw Nation. Said petitioners, with the exception of Julia Pauline McCarty, are identical with the persons for whose enrollment application was made to the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495).

Applications were made for the enrollment of the following named persons as citizens of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137). July 2, 1906, application for the enrollment of Oita McCarty, born April 2, 1904, minor child of John E. McCarty and Mary L. McCarty; July 25, 1906, application for the enrollment of Maybelle McCarty, born May 15, 1903, minor child of Charles M. McCarty, and Beulah A. McCarty; July 26, 1906, application for the enrollment of George Wendell Wagood, born November 25, 1905, minor child of A. S. Wagood and Mildred Wagood, formerly Mildred McCarty.

It is alleged in the petitions filed February 20, 1906, March 13, 1906 and May 24, 1906, that the petitioner, Lettie Barr, was enrolled in 1896 as a citizen of the Choctaw Nation by the Board of Census Commissioner; that the petitioners, J. E. McCarty, Lenice McCarty, T. B. McCarty and Jennie S. Cox are the children of Everett E. McCarty and Eveline C. McCarty; that said Everett E. McCarty and Eveline C. McCarty were in 1895, by act and authority of the Choctaw Council recognized and enrolled as Choctaw citizens; that the petitioner, C. M. McCarty, is the son of Dr. A. McCarty, and that Dr. A. McCarty and his children were in 1895, by act and authority of the Choctaw Nation recognized and enrolled as citizens and members of said tribe.

The record herein further shows that the applicants have been given sufficient opportunity to prove the allegations in the petition and have submitted no proof in support of the same.

The records in the possession of the Commissioner to the Five Civilized Tribes fail to show that any of the applicants herein were ever recognized and enrolled as citizens of the Choctaw Nation by the tribal authorities thereof. Their names do not appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commissioner to the Five Civilized Tribes.

The record herein shows that the applicant, Carroll C. McCarty also claims a right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of his marriage on July 24, 1902, with Rita R. Davis, whose name appears upon the final roll of citizens by blood of the Choctaw Nation opposite No. 1308. It appears, however, that said applicant was never married to his Choctaw wife in accordance with the laws of the Choctaw Nation.

I am of the opinion that inasmuch as the record herein fails to show that any of the applicants who were before the Choctaw-Chickasaw Citizenship Court ever occupied such a status as would entitle them to enrollment as citizens by blood and intermarriage of the Choctaw Nation, the action of the Choctaw-Chickasaw Citizenship Court of April 30, 1904, is final and that the applications for the enrollment of Charlotte R. Barr, Jennie P. McCarty, Theron B. McCarty Lenice McCarty, Charles M. McCarty, Mildred McCarty, Lucile McCarty, John McCarty, Floyd Lewis, Mittie Lewis and Maggie McBee, as citizens by blood of the Choctaw Nation and the petitions herein insofar as the same apply to said applicants, should be denied, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the application for the enrollment of Evelyn C. McCarty as a citizen by intermarriage of the Choctaw Nation and the petitions herein, insofar as the same apply to said applicant, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicant, Carroll C. McCarty, is not entitled to be enrolled as a citizen by blood or as a citizen by intermarriage of the Choctaw Nation; that his application for enrollment and the petition herein, insofar as it applies to said applicant, should be denied, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition filed March 13, 1906, insofar as the same applies to the petitioner, Julia Pauline McCarty, should be considered as an application for the enrollment of said petitioner as a citizen by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and that the same should be denied, and it is so ordered.

I am further of the opinion that the petitions herein, insofar as same apply to the petitioners, Everett R. McCarty, Richard B. McBee, Annie L. McCarty, Dewey McCarty, Everett P. McCarty and Stewart Milton McCarty, whose applications for enrollment have heretofore been dismissed by this office, should be dismissed, and it is so ordered.

I am further of the opinion that the application filed July 2, 1906, for the enrollment of Oita McCarty, and the applications filed July 25, 1906, for the enrollment of Mayhelle McCarty and George Wendell Osgood, should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

(Signed) Tams Bixby,
Commissioner.

Muskogee, Indian Territory,

JAN 31 1907.

Choctaw 4328

Muskogee, Indian Territory, November 24, 1902.

J. E. McCarty,

Lone Grove, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of application for the enrollment of Ivyl McCarty, infant son of J. E. and Mary L. McCarty, born October 1, 1902, as a citizen by blood of the Choctaw Nation.

You are informed that the Commission is without authority to enroll this child as a citizen of the Choctaw Nation, it appearing that he was born October 1, 1902, subsequent to the ratification by the citizens of the Choctaw and Chickasaw Nations on September 25, 1902, of an act of Congress approved July 1, 1902.

Section twenty eight thereof provides as follows:

"The names of all persons living on the date of the final ratification of this agreement entitled to be enrolled as provided in section 27 hereof shall be placed upon the rolls made by said Commission; and no child born thereafter to a citizen or freedman and no person intermarried thereafter to a citizen shall be entitled to enrollment or to participate in the distribution of the tribal property of the Choctaws and Chickasaws."

Respectfully,

7-4328

Muskogee, Indian Territory, July 11, 1906.

Mary Lee McCarty,

Lonegrove, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your affidavit and the affidavit of C. F. Sullivan M. D., to the birth of Oita McCarty, child of John E. and Mary Lee McCarty, April 2, 1904.

Respectfully,

Commissioner.

Choc. Minor 1010
Nancy F. McLarty
Thursey "

M1010

1010

MINOR

CHOCTAW

ENROLLMENT

NANCY F. MCLARTY
THOMSEY

L W B... # 132

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26, 1906

1010

New Born #1010

vs

IN RE

Application for Enrollment of

[redacted] CHILD

Act of Congress Approved
April 26, 1906.

Thursey B. McLarty

as a citizen of

Choctaw Nation.

Approved ..... 190..

.....
Commissioner.

Born Feb. 12, 1905.
Act of Congress approved
April 26, 1906.

Department of the Interior
Commissioner to the Five
Civilized Tribes.

Filed Jul. 23, 1906.
Tams Bixby,
Commissioner.

Choctaw N.B. 1010

Received Jul. 12, 1906.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Thursey B. McLarty [Here insert name of child], born on the 12 day of February, 1905

Name of Father: H. E. McLarty a citizen of the Choctaw Nation.

Name of Mother: Sarah McLarty a citizen of the Choctaw Nation.

Tribal enrollment of father intermarriage Tribal enrollment of mother Choctaw

Postoffice Rock Island, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Sarah Mc Larty, on oath state that I am 31 years of age and a citizen by blood, of the Choctaw Nation; that I am the lawful wife of H. E. McLarty, who is a citizen, by intermarriage, of the Choctaw Nation; that a female [Male or Female] child was born to me on 12 day of February, 1905, 1; that said child has been named Thursey B. McLarty, and was living March 4, 1906.

Sarah x mark McLarty

WITNESSES TO MARK:

[Must be Two Witnesses] J. E. Carter
G. E. Williams
(SEAL)

Subscribed and sworn to before me this 5 day of July 1906.

W. F. Lester
Notary Public.

My Com exp web. 27-1910

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, State of Arkansas
County of Sebastian District.

I, Dr. J. C. Rudall, a physician on oath state that I attended on Sarah McLarty, wife of H. E. McLarty on the 12th day of Feby 1905; that there was born to her on said date a female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Thursey B. McLarty

Dr. J. C. Rudall

WITNESSES TO MARK:

[Must be Two Witnesses] T. B. Bailey
W. P. Forbes
(SEAL)

Subscribed and sworn to before me this 10th day of July, 1906.

W. P. Forbes
Notary Public.

My commission expires Nov. 22, 1906.

New Born #1010

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Nancy F. McLarty

as a citizen of

Choctaw Nation.

Approved ..... 190...

.....

Commissioner.

Born March 27, 1903.

Act of Congress approved
April 26, 1906.

Department of the Interior,
Commissioner to the Five
Civilized Tribes.

Filed Jul. 23, 1906.
Tams Bixby,
Commissioner.

Choctaw N.B. 1010

Received Jul.12,1906.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Nancy F. McLarty [Here insert name of child], born on the 27 day of March 1903

Name of Father: H. E. McLarty a citizen of the Choctaw Nation.

Name of Mother: Sarah McLarty a citizen of the Choctaw Nation.

Tribal enrollment of father intermarriage Tribal enrollment of mother Choctaw

Postoffice Rock Island, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Sarah McLarty, on oath state that I am 31 years of age and a citizen by blood, of the Choctaw Nation; that I am the lawful wife of H. E. McLarty, who is a citizen, by intermarriage, of the Choctaw Nation; that a female [Male or Female] child was born to me on 27 day of March, 1903; that said child has been named Nancy F. McLarty, and was living March 4, 1906.

her
Sarah x McLarty
mark

WITNESSES TO MARK:

[Must be Two Witnesses]
J. E. Carter
G. E. Williams

(SEAL)

Subscribed and sworn to before me this 5 day of July, 1906.

My Com exp Feb 27, 1910.

W. F. Lester
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, M. W. Harrison, a physician, on oath state that I attended on Mrs. Sarah McLarty, wife of H. E. McLarty on the 27 day of March, 1903; that there was born to her on said date a female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Nancy F. McLarty

M. W. Harrison

WITNESSES TO MARK:

[Must be Two Witnesses]
E. Pollard
G. C. Pilgreen

Subscribed and sworn to before me this 7 day of July, 1906.

(SEAL)

My Com expires Dec 9,07.

Hosea S. Pilgreen
Notary Public.

23-1010. O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Nancy F. McLarty, et al., as citizens by blood of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on July 12, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Nancy F. McLarty and Thursey McLarty as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that said applicants were born on March 27, 1903, and February 12, 1905, respectively, and are the children of H. M. McLarty, a non-citizen, and Sarah McLarty, who was denied citizenship in the Choctaw Nation on April 18, 1904, by a decree of the Choctaw and Chickasaw Citizenship Court, in case No. 66 upon the South McAlester Docket of said Court, and whose petition for enrollment as a citizen by blood of the Choctaw Nation was denied by the Commissioner to the Five Civilized Tribes on February 18, 1907.

I am, therefore, of the opinion that the application for the enrollment of Nancy F. McLarty and Thursey McLarty as citizens by blood of the Choctaw Nation should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

FEB 26 1907

23-1010

COPY

Muskogee, Indian Territory, February 26, 1907.

E. B. McLarty,

Rock Island, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 26, 1907, denying the application for the enrollment of Nancy F. McLarty and Thurney McLarty as citizens by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.
Incl. 23-1010.

23-1010

COPY

Muskogee, Indian Territory, February 26, 1907.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw & Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 26, 1907, denying the application for the enrollment of Nancy E. McLarty and Thursey McLarty as citizens by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 23-1010.

COPY

Muskogee, Indian Territory, February 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Nancy E. McLarty and Thursey McLarty as citizens by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated February 26, 1907, denying said application.

Respectfully,

SIGNED Tams Bixby

Commissioner.

2 Incl.

Through the
Commissioner of Indian Affairs.

D. C. 12883-1907. JP.
FHR.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. March 4, 1907.

LRS.
I. T. D.
6124,6146,6152,6158,6170-07.
6192,6992,7002,7246,7270- "
7294,7326,7344,7366,7374- "
7376,7380,7392,7404,7410-07
7414,7418,7442,7472,7478- "
7484,7490,7526,7548,7580- "
7582,7584,7586,7592,7594- "
7652,7654,7666,7678,7680- "
7684,7686,7696,7698,7702- "
7714,7724,7728, 7734- "
DISMISS.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw enrollment cases adverse to the applicants are hereby affirmed, viz:

Title of Case.	Date of your letter of transmittal.
Alex and Lee S. Lewis (Freedmen)	February 14, 1907.
Cora Bailey (Freedman)	February 13, 1907.
Virginia and Dave Colbert (Freedmen)	February 12, 1907.
Stella Marlow	February 16, 1907.
Joanna Pollock, et al.,	December 24, 1906.
Ulysis and Sydney Frazier (Freedmen)	February 14, 1907.
Annie and Daniel Carter (Freedmen)	February 14, 1907.
Margie Hall (Freedman)	February 16, 1907.
Lavera Perry (Freedman)	February 7, 1907.
Willie and Bennie Roberts	February 6, 1907.
Clarence Vails	February 7, 1907.
Beatrice and Mandie Jeffres (Freedmen)	February 11, 1907.
L. F. Rhoades, et al.,	February 14, 1907.
Alfreser Pitchlynn (Freedman)	February 11, 1907.
Henry and Minnie Reed (Freedmen)	February 11, 1907.
Vivian V. and Clyde Parks	February 11, 1907.
Marvin Clifford Manley	February 7, 1907.
Blanche M. Stark, et al.,	February 20, 1907.

Title of Case.	Date of your letter of transmittal.
James H. Law, (Intermarried)	February 6, 1907.
Bell Serna (Miss. Choc.)	February 7, 1907.
David Mariedell Powell (Freedmen)	February 7, 1907.
Sammie Blunt (Freedman)	February 7, 1907.
Clora and Annie Berry (Freedmen)	February 21, 1907.
Robert Thompson (Freedman)	February 21, 1907.
Washington and Hester Anthony (Freedmen)	February 21, 1907.
Ann and Emmett Walzen (Freedmen)	February 21, 1907.
Dee Wilson (Freedman)	February 20, 1907.
Blanch Johnson (Freedman)	February 16, 1907.
Luvena May Everett (Miss. Choc.)	February 23, 1907.
Viola Warrior (Freedman)	February 21, 1907.
Ella Folsom, et al. (Freedman)	February 21, 1907.
Edward Adamson (Freedman)	February 21, 1907.
Allie May and Amos Williams (Freedmen)	February 21, 1907.
John Ward, et al.,	January 23, 1907.
Frank P. Morgan (Intermarried)	January 24, 1907.
Marion James Robins (Freedman)	February 21, 1907.
William C. York, et al.	January 16, 1907.
William S. Watters, et al.,	February 23, 1907.
Charley Braggs (Freedman)	February 21, 1907.
Hattie Marie Stewart, et al.,	February 25, 1907.
Robert McCoy (Freedman)	February 18, 1907.
George Chatman (Freedman)	February 21, 1907.
Louisa Perry, (Freedman)	February 19, 1907.
John Albert Pautsky	February 26, 1907.
Nancy F. and Thursey McLarty	February 26, 1907.
Eathes Shockey,	February 26, 1907.
Albert and Ermer Piggee (Freedmen)	February 26, 1907.
Boling McKinney, et al., (Freedman)	February 26, 1907.

Copies of Indian Office letters submitting your reports and recommending that the decisions be approved, are inclosed.

A copy hereof and all the papers in the above-mentioned cases have been sent to the Indian Office.

Respectfully,

E. A. Hitchcock,

Secretary.

48 inc. and
98 for Ind. Of. with
copy hereof.
AFMc.
3-4-07.

Refer in reply to the following.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Land.
20944-1907.
D. C. 12853

WASHINGTON. March 2, 1907.

COPY.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from Commissioner Bixby, dated February 26, 1907, enclosing record of proceedings in the matter of the application for the enrollment of Nancy F. McLarty and Thursey McLarty, including the Commissioner's decision, dated February 26, 1907, denying the application.

The record shows that these applicants were born March 27, 1903, and February 12, 1905, respectively, and are the children of H. E. McLarty, a non-citizen, and Sarah McLarty, who was denied citizenship in the Choctaw Nation April 18, 1904, by a decree of the Choctaw and Chickasaw Court in case No. 65 on the South McAlester docket, and whose petition for enrollment as a citizen by blood of the Choctaw Nation was denied by the Commissioner on February 18, 1907.

The Office is of the opinion that the Commissioner's decision, denying the application for the enrollment of the above named applicants, is correct, under the provisions of the Act of April 26, 1906 (34 Stat. L., 137), and it is recommended that it be affirmed.

Very respectfully,
C. F. Larrabee,
Acting Commissioner.

EWE--SD

23-1010

Muskogee, Indian Territory, April 13, 1907.

H. B. McLarty,

Rock Island, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered February 2[illegible], 1907, denying the application for the enrollment of Nancy F. McLarty and Thursey McLarty as citizens by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

23-1010

Muskogee, Indian Territory, April 13, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered February 26, 1907, denying the application for the enrollment of Nancy E. McLarty and Thursey McLarty as citizens by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

Choc. Minor 1011
Ollie B. Ozbirn

M1011

1911

MINOR

CHOCTAW

ENROLLMENT

OLLIE B. OSBIRN

A Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26, 1906

(Seal) 1011

NEW BORN #1011

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Ollie B Ozbirn

as a citizen of

Choctaw Nation.

Approved 190...

Commissioner.

Born Feb. 24 1903
Act of Congress approved April 26 1906.
Department of the Interior
Commissioner to the Five
Civilized Tribes.
F I L E D JUL 23 1906
Tams Bixby, Commissioner

CHOCTAW RECEIVED JUL 11 1906
N. B. 1011

BIRTH AFFIDAVIT 19f

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Ollie B. Ozbirn [Here insert name of child], born on the 24th day of Febuary 1903

Name of Father: John A. Ozbirn a citizen of the Nation.

Name of Mother: Nancy J Ozbirn a citizen of the Choctaw Nation.

Tribal enrollment of father Tribal enrollment of mother of Mother

Postoffice Palmer Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Nancy J Ozbirn, on oath state that I am 45 years of age and a citizen by Blood of the Choctaw Nation; that I am the lawful wife of John A Ozbirn, who is a citizen, by intermarriage of the Choctaw Nation; that a female [Male or Female] child was born to me on 24th day of Febuary 1903; that said child has been named Ollie B Ozbirn and was living March 4, 1906.

Nancy J. Ozbirn

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 9th day of July 1906.

(SEAL)
my Commission Expires 12/18/07

Robt F Buchanan
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, W. H. Powell, a Physician, on oath state that I attended on Nancy J. Ozbirn, wife of John A Ozbirn, on the 24th day of Feb 1903; that there was born to her on said date a Female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Ollie B. Ozbirn.

W. H. Powell M. D.

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 9th day of July 1906.

(SEAL)
my Commission Expires 12/ 18/07

Robt F. Buchanan
Notary Public.

23-1011.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-:0:-

In the matter of the application for the enrollment of Ollie B. Ozbirn as a citizen by blood of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that on July 11, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Ollie B. Ozbirn as a citizen by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that Ollie B. Ozbirn was born February 24, 1903 and is the daughter of Nancy J. Ozbirn, who was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on September 19, 1904 in Case No. 52 on the Tishomingo Docket thereof and John A. Ozbirn, whose application for enrollment as a citizen by intermarriage of the Choctaw Nation was dismissed by the Commission to the Five Civilized Tribes December 7, 1904, which decision of the Commission was affirmed by the Department December 16, 1905 (I.T.D. 5671-1905, 12234-1905 and 12524-1905), said John A. Ozbirn claiming his right thereto by reason of his marriage to said Nancy J. Ozbirn.

I am of the opinion that the applicant, Ollie B. Ozbirn, is not entitled to enrollment as a citizen by blood of the Choctaw Nation and that the application for her enrollment as such should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,
JAN 11 1907

23-1011

COPY

Muskogee, Indian Territory, January 11, 1907.

John A. Osbirn,

Palmer, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 11, 1907, denying the application for the enrollment of Ollie B. Osbirn as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl. 23-1011

23-1011

COPY.

Muskogee, Indian Territory, January 11, 1907.

Mansfield, McMurray, and Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 11, 1907, denying the application for the enrollment of Ollie B. Osbirn as a citizen by blood of the Choctaw Nation.

the decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Commissioner.

Incl. 23-1011

COPY.

Muskogee, Indian Territory, January 11, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Ther is transmitted herewith record of proceedings in the matter of the application for the enrollment of Ollie B. Osbirn as a citizen by blood of the Chootaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 11, 1907, denying said application.

Respectfully,

SIGNED

Commissioner.

2 incl. 23-1011.

Through the
Commissioner of Indian Affairs.

FP

DEPARTMENT OF THE INTERIOR

S.P.

WASHINGTON

D.C. 12306-1907.
I.T.D.5520,5560,5562,5564,5578-1907. March 1, 1907.
5590,5594,5598,5600,5602- "
5606,5608,5622,5630,5636- "

LRS

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed.

Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of your letter of transmittal
Arizona Goddard, et al.	January 23, 1907.
Ollie B. Osbirn	January 11, 1907.
John Thomas Owens, et al.	January 10, 1907.
Alfred F. Bonbour,	January 11, 1907.
Newton Nail (freedman)	February 9, 1907.
Bertha May Williams, et al.	December 1, 1906.
Leroy Brashears (freedman)	February 8, 1907.
J. N. La Rue Moore	December 24, 1906.
Florence M. Reeves	January 28, 1907.
Della Ellis, et al. (Choc.or Chick.)	January 4, 1907.
Elberta Burris (freedman)	February 3, 1907.
Eldridge Lee Kirkland	January 28, 1907.
Clarence Henry Maddox, et al.	December 24, 1906.
Retta M. Morgan	January 29, 1907.
Noel Walker	January 4, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

15 inc. and
30 to Ind. Of.

A.P.MC.
3-1-07.

Land
3863-1907.

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON

(COPY)

February 25, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 11, 1907, enclosing record in the matter of the application for the enrollment of Ollie B. Oxbirn as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner, dated January 11, 1907, under the provisions of the Act of Congress approved April 26, 1906 (34 Stat. L., 137)

The recod further shows that Ollie B. Oxbirn was born February 24, 1903, and is the daughter of Nancy J. Oxbirn, who was denied citizenship in the Choctaw Nation by the Choctaw-Chickasaw Citizenship Court on September 19, 1904, in case No. 52 on the Tishomingo Docket thereof, and John A. Oxbirn, whose application for enrollment as a citizen by intermarriage of the Choctaw Nation was dismissed by the Commission to the Five Civilized Tribes December 7, 1904, and which decision was affirmed by the Department December 16, 1905 (I.T.D. 36714, 12234 and 12524-1905).

The Office is of the opinion that since the applicant was not a child "whose parents have been enrolled as members of the Choctaw x x x x tribes, or have applications for enrollment

pending at the approval hereof", she is not entitled to enrollment and the decision of the Commissioner, dated January 11, 1907, denying her application for enrollment , is correct, and it is recommended that it be affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EWR-SD

28-1011

Muskogee, Indian Territory, April 3, 1907.

John A. Ogbirn,

Palmer, Indian Territory.

Dear Sir:

You are hereby advised that on March 1, 1907, the Secretary of the Interior affirmed the decision of this office of January 11, 1907, denying the application for the enrollment of Ollie B. Ogbirn as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers,

Acting Commissioner.

23-1011

Muskogee, Indian Territory, April 8, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 1, 1907, the Secretary of the Interior affirmed the decision of this office of January 11, 1907, denying the application for the enrollment of Ollie B. Osbirn as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers,

Acting Commissioner.

7-4961

Muskogee, Indian Territory, July 21, 1906.

John A. Ozbirn,

Palmer, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Nancy J. Ozbirn and W. H. Powell to the birth of Allie B. Ozbirn child of John A. Ozbirn and Nancy J. Ozbirn, February 24, 1903.

Respectfully,

Commissioner.

Choc. Minor 1012
Eirskin Parks
Georgia Parks

M1012

1012

MINOR

CHOCTAW

ENROLLMENT

EIRBEN PARKS

GEORGIA "

As Citizen [illegible]
CHOCTAW NATION
[illegible]
Approved Apr 6 1906

[illegible]

1012



NEW BORN #1012

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Eiraskin Parks

as a citizen of

Choctaw Nation.

Approved ..... 190...

.....
Commissioner.

Born Feb. 7, 1904

Act of Congress approved April 26, 1906.
Department of the Interior
Commissioner to the Five
Civilized Tribes.

F I L E D JUN 16 1906
Tams Bixby, Commissioner

CHOCTAW RECEIVED June 8, 1906
N. B. 1012

BIRTH AFFIDAVIT

199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Eirskin Parks, [Here insert name of child], born on the 7 day of Feb 1904.

Name of Father: George W. Parks a citizen of the Choctaw Nation.

Name of Mother: Birdie Parks a citizen of the U. S. Nation.

Tribal enrollment of father Choctaw Tribal enrollment of mother Intermarried

Postoffice Byars I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Birdie Parks, on oath state that I am 20 years of age and a citizen by Intermariage of the Choctaw Nation; that I am the lawful wife of George W. Parks, who is a citizen, by Blood, of the Choctaw Nation; that a Boy [Male or Female] child was born to me on 7 day of Feb 1904.; that said child has been named Eirskin Parks and was living March 4, 1906.

Birdie Parks

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 6 day of June (SEAL).

C. P. Haggard
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, G. L. Johnson, a Md., on oath state that I attended on Birdie Parks, wife of George W. Parks on the 7 day of February 904.; that there was born to her on said date a Boy [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Eirskin Parks.

G. L. Johnson M. D.

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 6 day of June 1906.

C. P. Haggard (SEAL)
Notary Public.

NEW BORN # 1012
190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....Georgia Parks.....

as a citizen of

.....Choctaw..... Nation.

Approved..... 190...

.....

Commissioner.

Born Jan 22, 1906.

Act of Congress approved April 26 1906
Department of the Interior
Commissioner to the Five
Civilized Tribes
F I L E D JUN 16 1906
Tams Bixby, Commissioner

CHOCTAW RECEIVED JUN 8 1906
N. B. 1012

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS. APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Georgia Parks [Here insert name of child], born on the 22 day of January 1906

Name of Father: George W. Parks a citizen of the Choctaw Nation.

Name of Mother: Birdie Parks a citizen of the U. S. Nation.

Tribal enrollment of father Choctaw Tribal enrollment of mother U. S.

Postoffice Byars

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Birdie Parks on oath state that I am 20

years of age and a citizen by intermarriage of the Choctaw Nation;

that I am the lawful wife of George W. Parks, who is a citizen, by

Blood, of the Choctaw Nation; that a Girl [Male or Female] child was

born to me on 22 day of January 1906.; that said child has been named

Georgia Parks and was living March 4, 1906.

Birdie Parks

WITNESSES TO MARK:

[Must be Two Witnesses] }
}

Subscribed and sworn to before me this 6 day of June: 1906.

C P Haggard (SEAL)
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, A. G. Jones, a Md, , on oath state that I

attended on Birdie Parks, , wife of Georgia W. Parks

on the 22 day of January 1906.; that there was born to her on said date a Girl [Male or Female]

child; that said child was living March 4, 1906, and is said to have been named Georgia Parks

A. G. Jones M. D. (SEAL)

WITNESSES TO MARK:

[Must be Two Witnesses] }
}

Subscribed and sworn to before me this 6 day of June 1906.

C. P. Haggard
Notary Public.

23-1012.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-:o:-

In the matter of the application for the enrollment of Kirskin Parks, et al. as citizens by blood of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that on June 8, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Kirskin Parks and Georgia Parks as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that Kirskin and Georgia Parks were born February 7, 1904 and January 22, 1906, respectively and are the children of George W. Parks, who was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on October 20, 1904 in Cases No. 100 and No. 110 on the Tishomingo Docket thereof and Birdie Parks, a non-citizen.

I am of the opinion that the applicants, Kirskin Parks and Georgia Parks, are not entitled to enrollment as citizens by blood of the Choctaw Nation and that the application for their enrollment as such should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137) and it is so ordered.

Commissioner.

Muskogee, Indian Territory,
JAN 11 1907

23-1012

COPY.

Muskogee, Indian Territory, January 11 1907.

George W. Parks,

Byars, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 11, 1907, denying the application for the enrollment of Erskin Parks and Georgia Parks as citizens by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.
Incl. 23-1012

23-1012

COPY.

Muskogee, Indian Territory, January, 11, 1907.

Mansfield, McMurray, and Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 11, 1907, denying the application for the enrollment of Birskin Parks and Georgia Parks as citizens by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Repsectfully,

SIGNED Tams Dixby

Commissioner.

Incl. 23-1012.

COPY.

Muskogee, Indian Territory January 11, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Birskin Parks and Georgia Parks as citizens by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes dated January 11, 1907, denying said application.

Respectfully,

SIGNED [illegible]

Commissioner.

2 incl. 23-1012.

Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR, S. P.

L RE.
D.C. 12308-1907. WASHINGTON.
I.T.D.
5004, 5128, 5130, 5144, 5292-1907.
5296, 5310, 5326, 5330, 5360- "
5392, 5412, 5446, 5474, 5494- "
5500, 5504, 5506, 5512, 5516- "
5550, 5574, 5580, 5604, 5588- "
5595, 5592, 5596, 5604, 5614- "
5610, 5640, 5616, 5628, 5638- "
5362-1907. 21846-1906.

March 1, 1907.

DIRECT

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of your letter of transmittal.
Dennie Edmondson	January 16, 1907.
Josephine Lobun, et al.	February 9, 1907.
Asro Allen Harvey, et al. (freedmen)	February 7, 1907.
Jodie Lee Ransoak,	February 6, 1907.
James Louis Rogers, et al.,	January 28, 1907.
Porter Buckner (freedman)	February 8, 1907.
Esther James (freedman)	February 8, 1907.
Melsie Butler, et al.	February 7, 1907.
Verna Dunlap, et al.	January 28, 1907.
Betty Prince, et al.	June 26, 1906.
Dave Rowby, et al.	January 29, 1907.
John Henry Sanders, et al. (freedmen)	January 26, 1907.
Lois Lucile Ray	January 9, 1907.
Hiraldis Parks, et al.	January 11, 1907.
David D. Tidwell, et al.	January 9, 1907.
A. J. Crowson, et al.	January 25, 1907.
Ader Williams, et al. (freedmen)	February 6, 1907.

Title of case.	Date of your letter of transmittal.
Mary Henry	January 26, 1907.
Edith Paul, et al.	January 26, 1907.
Willie J. Walker, et al.	January 4, 1907.
Martha McCoy (freedman)	January 21, 1907.
Thomas Virgil Bottoms, et al.	January 9, 1907.
Augustus Burris (freedman)	February 6, 1907.
James Wilson Welch	January 28, 1907.
Vara L. Dillard	January 28, 1907.
Sammie Morris (freedman)	February 5, 1907.
Chessteanie Pearce	December 24, 1906.
Alta A. Brown, et al.	January 29, 1907.
William Henry Riddle	January 26, 1907.
Lula Houton Bond, et al.	December 22, 1906.
Nanina Maud Carrol	January 26, 1907.
Esther Irvin, et al.	November 10, 1906.
Harrison Robison	December 24, 1906.
George Robinson, et al.	December 24, 1906.
Garvenia Clark	November 10, 1906.
James King	January 24, 1907.
Hettie Brown, et al.	June 15, 1906.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse A. Wilson

Assistant Secretary.

37 inclosures, and
74 to Ind. Of.

~~A F W~~
3-1-07.

Refer in reply to
the following.

DEPARTMENT OF THE INTERIOR,

D.C. 12308-1907. OFFICE OF INDIAN AFFAIRS,
Land.
3864-1907. WASHINGTON.

(COPY)

February 26, 1907.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 11, 1907, enclosing record in the matter of the application for the enrollment of Eirskin Parks and Georgia Parks as citizens by blood of the Choctaw Nation, including the decision of the Commissioner, dated january 11, 1907, denying the application.

The record shows that application was duly made to the Commissioner to the Five Civilized Tribes, dated June 8, 1906, for the enrollment of Eirskin Parks and Georgia Parks as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stat. L., 137).

The record further shows that Eirskin Parks was born February 7, 1904, and Georgia Parks January 22, 1906, and are the children of George W. Parks, who was denied citizenship in the Choctaw Nation by the Choctaw-Chickasaw Citizenship Court on October 20, 1904, in cases Nos. 100 and 115 on the Tishomingo Docket thereof, and Birdie Parks, a non-citizen.

The Office is of the opinion that since the applicants were not children "whose parents have been enrolled as members

of the Choctaw x x x tribes", the decision of the Commissioner to the Five Civilized Tribes, denying their application for enrollment as citizens by blood of the Choctaw Nation, is correct, and it is therefore recommended that it be affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EWB--SD.

23-1012

Muskogee, Indian Territory, April 13, 1907.

George W. Parks,

Byars, Indian territory.

Dear Sir:

You are hereby advised that on March 1, 1907, the Secretary of the Interior affirmed the decision of this office of January 11, 1907, denying the application for the enrollment of Erskin Parks and Georgia Parks as citizens by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

ACTING Commissioner.

23-1012

Muskogee, Indian Territory, April 13, 1907.

Mansfield, McMurray & Cormish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 1, 1907, the Secretary of the Interior affirmed the decision of this office of January 11, 1907, denying the application for the enrollment of Kirkskin Parks and Georgia Parks as citizens by blood of the Choctaw Nation.

Repsectfully,

Geo. D. Rodgers.

ACTING Commissioner.

7-5158

Muskogee, Indian Territory, June 15, 1906.

C. P. Hoggard,

Byars, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 6, 1906, inclosing affidavits of Birdie Parks and G. L. Johnson to the birth of Erskin Parks, child of George W. and Birdie Parks, February 7, 1904; also affidavits of Birdie Parks and A. G. Jones to the birth of Georgia Parks, child of George W. and Birdie Parks, January 22, 1906.

Respectfully,

Commissioner.

Choc. Minor 1013
George Alton Parks

M1013

1013

MINOR

CHOCTAW

ENROLLMENT

GEORGE ALTON PARKS

GRACY MAY "

As citizen [illegible]

[illegible]

Act of [illegible]

Approved [illegible]

[illegible]

1013

NEW BORN #1013

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Geo A. Parks

as a citizen of

Choctaw Nation.

Approved ..... 190...

..... Commissioner.

Born Dec, 16, 1903
Act of Congress approved April 26, 1906

Department of the Interior
Commissioner to the Five
Civilized Tribes.
F I L E D JUL 2 1906
Tams Bixby, Commissioner

CHOCTAW RECEIVED JUN 28 1906
N. B. 1013

BIRTH AFFIDAVIT / 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of George Alton Parks [Here insert name of child], born on the 16 day of December 1903

Name of Father: Perry Parks a citizen of the Choctaw Nation.

Name of Mother: Mattie Parks a citizen of the U. S. ~~Nation~~

Tribal enrollment of father Choctaw Tribal enrollment of mother

Postoffice Byars I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. District. }

I, Mattie Parks, on oath state that I am 22 years of age and a citizen by of the Non citizen Nation; that I am the lawful wife of Perry Parks, who is a citizen, by Blood of the Choctaww Nation; that a Male [Male or Female] child was born to me on 16th, day of December 1903; that said child has been named George Alton Parks and was living March 4, 1906.

Mattie Parks

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 26th day of June 1906.

(SEAL)

W. A. Smith
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Nancy E. Parks, a Midwife, on oath state that I attended on Mattie Parks, wife of Perry Parks on the 16th, day of December 1903; that there was born to her on said date a Male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named George Alton Parks,

Nancy E. Parks

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 26th, day of June 1906.

(SEAL)

W. A. Smith
Notary Public

NEW BORN # 1013

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Gracy May Parks

as a citizen of

Choctaw Nation.

Approved ..... 190...

..... Commissioner.

Born March 27, 1905

Act of Congress approved April 26, 1906.
Department of the Interior
Commissioner to the Five
Civilized Tribes.
F I L E D JUL 2 1906.
Tams Bixby, Commissioner.

CHOCTAW RECEIVED JUN 28 1906
N. B. 1013

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS. APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Gracy May Parks (Here insert name of child), born on the 27th day of March 1905.

Name of Father: Perry Parks a citizen of the Choctaw Nation.

Name of Mother: Mattie Parks a citizen of the Non Citizen Nation.

Tribal enrollment of father Choctaw Tribal enrollment of mother Non Citizen

Postoffice Byars I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Mattie Parks on oath state that I am 22 years of age and a citizen by of the Non Citizen Nation; that I am the lawful wife of Perry Parks, who is a citizen, by Blood of the Choctaw Nation; that a Female (Male or Female) child was born to me on 27th day of March 905.; that said child has been named Gracy May Parks and was living March 4, 1906.

Mattie Parks

WITNESSES TO MARK:

[Must be Two White Persons] }

Subscribed and sworn to before me this 26th, day of June 1906.

(SEAL) W. A. Smith Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MIDWIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, G. L. Johnson a Physician on oath state that I attended on Mattie Parks, wife of Perry Parks on the 16th, day of March 1906 (that there was born to her on said date a Female (Male or Female) child; that said child was living March 4, 1906, and is said to have been named Gracy May Parks

G. L. Johnson M. D.

WITNESSES TO MARK:

[Must be Two White Persons] }

Subscribed and sworn to before me this 26th day of June 1906.

(SEAL) W. A. Smith Notary Public

23-1013.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-:O:-

In the matter of the application for the enrollment of George Alton Parks et al, as citizens by blood of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that on June 28, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of George Alton Parks and Gracy May Parks as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that George Alton Parks and Gracy May Parks were born December 16, 1903 and March 27, 1905, respectively and are the children of Perry Parks, who was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on October 20, 1904 in Cases No. 100 and No. 115 on the Tishomingo Docket thereof and Mattie Parks, a non-citizen.

I am of the opinion that the applicants, George Alton Parks and Gracy May Parks, are not entitled to enrollment as citizens by blood of the Choctaw Nation and that the application for their enrollment as such should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137) and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

NOV 1 1907

23-1013

Muskogee, Indian Territory, January 9, 1907.

Perry Parks,

Byars, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of George Alton and Gracy May Parks as citizens by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Registered.

Incl. 23-1013.

23-1013

COPY.

Muskogee, Indian Territory, January 9, 1907.

Mansfield, McMurray, and Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Dear Sirs:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of George Alton Parks and Gracy May Parks as citizens by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Incl. 23-1013. Commissioner.

COPY

Muskogee, Indian Territory, January 9, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of George Alton and Gracy May Parks as citizens by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 9, 1907, denying said application.

Respectfully,

SIGNED Tams Bixby

Commissioner.

2 incl. 23-1013

Through the

Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR, O.K.

D. C. 12307. WASHINGTON. JP.
LRS.

I. T. D. February 28, 1907.

24516-1906.
4632, 4712, 4718, 4794,
4820, 4836, 4408, 4646,
4706, 4714, 4730, 4818,
4824, 4830, 4834, 4840,
4844-07.

DIRECT,

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed.

Title of Case.	Date of your letter of transmittal.
Robert W. Baker,	August 10, 1906.
Georgia Merl Gray, et al.	January 18, 1907.
Forbus Franklin Reynolds, et al.	November 21, 1906.
Lindsey Simpson,	January 9, 1907.
Clevara Mellis (Freedman)	February 2, 1907.
Elbert Franklin & William Curtis Shaw,	February 2, 1907.
Francis Lynch,	June 13, 1906.
Laurence John,	January 21, 1907.
Dink Fexall, et al.,	January 26, 1907.
Joseph Fleming,	November 21, 1906.
Frank Obe and Ruby Jane Sullivan	January 9, 1907.
Nathon Ray Segreves,	January 9, 1907.
Thomas H. and William J. Barnes,	January 8, 1907.
Mary Ann LeFlore, et al.,	July 25, 1906.
L. R. Coleman, et al.,	January 9, 1907.
Jesse H. Wallace (intermarried),	January 21, 1907.
George Alton and Gracy May Parks,	January 9, 1907.
Lee Harrison Cooper, (Miss. Choc.),	December 15, 1906.

A copy hereof and the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

18 inc. and
36 for Ind. Of.

D.C.12307-1907. (COPY) (DEB)
Refer in reply to the following:

Land.
3850-1907.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 9, 1907, enclosing record in the matter of the application for the enrollment of George Alton Parks and Gracy May Parks as citizens by blood of the Choctaw Nation, including the decision of the Commissioner, dated January 9, 1907, denying the application.

The record shows that application was duly made to the Commissioner to the Five Civilized Tribes on June 28, 1906, for the enrollment of George Alton Parks and Gracy May Parks as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stat. L., 137).

The record further shows that George Alton Parks was born December 16, 1903, and Gracy May Parks on March 27, 1905, and are the children of Perry Parks, who was denied citizenship in the Choctaw Nation by the Choctaw-Chickasaw Court on October 20, 1904, in cases Nos. 100 and 118 on the Tishomingo Docket, and Mattie Parks, a non-citizen.

Since the applicants are not the children of Parents

that have been enrolled as members of the Choctaw X X X X tribe, or have applications for enrollment pending at the approval hereof," which is the provision of the Act under which they made application, the Office is of the opinion that the decision of the Commissioner to the Five Civilized Tribes, denying their application for enrollment, is correct, and it is recommended that it be affirmed.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

EWB-ED.

23-1013

Muskogee, Indian Territory, April 1, 1907.

Perry Parks,

Byars, Indain Territory.

Dear Sir:

You are hereby advised that on Febrba.y 28, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of George Alton and Gracy May Parks as citizens by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

Acting Commissioner.

23-1013

Muskogee, Indian Territory, April 1, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of George Alton Parks and Gracy May Parks as citizens by blood of the Choctaw Nation.

Respectfully,

G. D. Rodgers,

Acting Commissioner.

7-5158

Muskogee, Indian Territory, June 30, 1906.

Perry Parks,

Byars, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Mattie Parks and Nancy E. Parks to the birth of George Alton Parks, child of Perry Parks and Mattie Parks, December 16, 1903; affidavits of Mattie Parks and G. L. Johnson to the birth of Gracy May Parks, child of Perry Parks and Mattie Parks, March 27, 1905.

Respectfully,

Commissioner.

Choc. Minor 1014
Clarence R. Pickens

M1014

1014

MINOR

CHOCTAW

ENROLLMENT

CLARENCE R. PICKENS

As Citizen of the
CHOCTAW NATION
Act of Congr
Approved April 26. 1906

Decision Rendered
Jan 1, 1907
Referred Jan 1, 1907
Copy of decision forwarded
Applicant Jan 9, 1907
Copy of decision forwarded
Attorneys for the Five and
Chickasaw Nations
Jan 9, 1907
Record forwarded to Department
Jan 1 19..

1014

NEW BORN #1014

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....Clarence R. Pickens.....

as a citizen of

.....Choctaw..... **Nation.**

Approved..... 190...

....

Commissioner.

Born Jan 25 1906

Act of Congress approved April 26, 1906
Department of the Interior
Commissioner to the Five Civilized Tribes.
F I L E D JUN 29, 1906.
Tams Bixby, Commissioner.

CHOCTAW RECEIVED JUN 2, 1906.
N. B. 1014.

BIRTH AFFIDAVIT — 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Clarence R. Pickens [Here insert name of child], born on the 25 day of Jan 1906

Name of Father: Robert F. Pickens a citizen of the Choctaw Nation.

Name of Mother: Mary Pickens a citizen of the U. S. Nation.

Tribal enrollment of father. Choctaw Tribal enrollment of mother.....

Postoffice Elmore I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
17th District. }

I, Mary Pickens, on oath state that I am 20 years of age and a citizen by of the United States Nation; that I am the lawful wife of Robert F. Pickens, who is a citizen, by Blood, of the Choctaw Nation; that a Male [Male or Female] child was born to me on 25 day of Jan 1906.; that said child has been named Clarence R Pickens, and was living March 4, 1906.

Mary Pickens

WITNESSES TO MARK:

[Must be Two Witnesses] }
}

Subscribed and sworn to before me this 1st day of June 1906.

(SEAL) Wm Odell
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
17th District. }

I, J. K. Lindsey, a Phyeictan, on oath state that I attended on May Pickens, wife of Robert F Pickens on the 25 day of Jan 1906.; that there was born to her on said date a Male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Clarence R. Pickens.

J. K. Lindsey M. D.

WITNESSES TO MARK:

[Must be Two Witnesses] }
}

Subscribed and sworn to before me this 1st day of June 1906.

(SEAL) Wm Odell
Notary Public.

23-1014.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-:O:-

In the matter of the application for the enrollment of Clarence R. Pickens as a citizen by blood of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that on June 2, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Clarence R. Pickens as a citizen by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records of this office that Clarence R. Pickens was born January 25, 1906 and is the son of Mary Pickens, a non-citizen and Robert F. Pickens, whose application, (as Fulton Pickens), was dismissed by the Commission to the Five Civilized Tribes on December 3, 1904, in accordance with the opinion of the Acting Attorney General dated May 9, 1904 (I.T.D. 3824-1904) and the opinion of the Assistant Attorney General for the Department of the Interior dated July 30, 1904 (I.T.D. 5246-1904).

I am of the opinion that the applicant, Clarence R. Pickens, is not entitled to enrollment as a citizen by blood of the Choctaw Nation and that the application for his enrollment as such should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,
JAN 9 1907

23-1014

COPY.

Muskogee, Indian Territory, January 9, 1907.

Fulton Pickens,

Elmore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, renderd January 9, 1907, denying the application for the enrollment of Clarence R. Pickens as a citizen by blood of the Choctaw Nation.

The Decision with the record of proceedings in the case, is this day transmitted to the Secretary of theInterior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.
Incl. 23-1014.

23-1014

Muskogee, Indian Territory, January 9, 1907.

Mansfield, McMurray, and Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Dear Sirs:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Clarence R. Pickens as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Inel. 23-1014

Muskogee, Indian Territory, January 9, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Clarence R. Pickens as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 9, 1907, denying said application.

Respectfully,

SIGNED

Commissioner.

2 incl. 23-1014.

Through the
Commissioner of Indian Affairs.

JP.

FMR.

D. C. 12436-1907.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. February 28, 1907.

I. T. D.
4856,4876,4882,4884,4886-07.
4972,4978,4986,4992,5002- "
5008,5014,5094,5100,5112- "
5122,5096, - "
LRS.
DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed, viz:

Title of Case.	Date of your letter of transmittal.
Merrill and Elizabeth Jackson (Freedmen),	February 2, 1907.
Teddy Boon Brown,	January 10, 1907.
Clarence R. Pickens,	January 9, 1907.
Dallas Edgar Betts,	November 28, 1906.
Dettie May Brimage,	November 28, 1906.
Cicero Henry Bernard,	December 21, 1906.
James Jackson,	November 8, 1906.
Charles M. Avery (Intermarried),	January 16, 1907.
Lewis Sledge,	January 9, 1907.
Dick Woodell, et al.,	January 26, 1907.
Willie O. and Samuel S. McFadden,	January 16, 1907.
Ernest L. Worthy, et al.,	December 1, 1906.
Frank Wise, et al.,	January 30, 1907.
Matty Dell Louise McCarty,	January 16, 1907.
Willis Edmond Segreves,	January 23, 1907.
Jack Fulton,	December 21, 1906.
Larence Shoals, (freedman),	February 9, 1907.

Copies of Indian Office letters submitting your reports and recommending that the decisions be approved, are inclosed.

A copy hereof and all the papers in the above-mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

17 inc. and
24 for Ind. Of.

AFHe.
2-I-07.

Land
3860-1907

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

February 23, 1907.

(COPY)

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 9, 1907, enclosing the record in the matter of the application for the enrollment of Clarence R. Pickens as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner rendered January 9, 1907, denying the application.

The record herein shows that application was duly made to the Commissioner to the Five Civilized Tribes on June 2, 1906, for the enrollment of Clarance R. Pickens as a citizen by blood of the Choctaw Nation, under the provisions of the Act of April 26, 1906 (34 Stat.L.,137).

The record further shows that the applicant was born January 25, 1906, and is the son of Mary Pickens, a non-citizen, and Robert F. Pickens, whose application for enrollment was dismissed by the Commission to the Five Civilized Tribes on December 3, 1904, in accordance with the opinion of the Acting Attorney General of May 9, 1904 (I.T.D. 3824-1904), and the opinion of the Assistant Attorney General for the Department of the Interior, dated January 30, 1904 (I.T.D. 3246-1904).

Since the applicant was not the child of parents who had been duly enrolled as citizens of the Choctaw Nation, or had applications pending on the 26th day of April, 1906, the Office is of the opinion that the decision of the Commissioner, dated January 9, 1907, denying the application for the enrollment of Clarence R. Pickens as a citizen by blood of the Choctaw Nation, is correct, and it is recommended that it be affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EMB-SD

93-1014

Muskogee, Indian Territory, April 18, 1907.

Fulton Pickens,

Elmore, Indian Territory.

Dear Sir:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of January 9, 1907, denying the application for the enrollment of Clarence R. Pickens as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

23-1014

Muskogee, Indian territory, April 15, 1907.

Mansfield, McMurray & Cornish

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of January 9, 1907, denying the application for the enrollment of Clarence R. Pickens as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, June 9, 1906.

Robert F. Pickens,

Elmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Mary Pickens and T. K. Lindsey to the birth of Clarence R. Pickens, child of Robert F. and Mary Pickens, January 25, 1906.

It is stated in the affidavit that you are a citizen by blood of the Choctaw Nation. If this is correct you are requested to give the names of your parents, the time and place application was made for your enrollment, and if you have selected an allotment of the lands of the Choctaw or Chickasaw Nation give your roll number as it appears upon your allotment certificate.

Respectfully,

Commissioner.

7-5042

Muskogee, Indian Territory, June 27, 1906.

R. F. Pickens,

Elmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter without date in which you state that you were admitted by the United States Court in case No. 87 under the name of Fulton Pickens and that your full name is Robert Fulton Pickens.

In reply to your letter you are advised that the information contained therein has enabled this office to identify you upon its records as having been admitted by a judgment of the United States Court for the Central District of Indian Territory, August 30, 1897 in court case No. 87 and the application for your enrollment as a citizen of the Choctaw Nation was dismissed by the Commissioner to the Five Civilized Tribes December 3, 1904.

The matter of the plats referred to in your letter will be made the subject of a separate communication.

Respectfully,

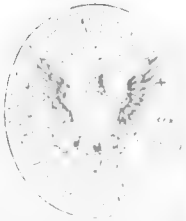
Commissioner.

Department of the Interior.

[illegible]

MUSKOGEE, IND. TER.





Fulton Pickens,

Elmore, Indian Territory.

Choc. Minor 1015

Leon Augustus Palmer

M1015

1015

MINOR

CHOCTAW

ENROLLMENT

LEON AUGUSTUS PALMER

FOR RECORD SEE PET # C - 109

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26, 1906

1015

C- 109
7-5265
7-5266
7-5267
7-5268
23- 998
23-1015.

COPY W.C.W.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of WILLIAM B. HILL, et al., as citizens of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes at Colbert, Indian Territory, October 13, 1898, by Louis Hill for the enrollment (among others) of William B. Hill and Joseph L. Blair as citizens by blood of the Choctaw Nation; that on the same date application was made to the Commission to the Five Civilized Tribes by Elizabeth Palmer for the enrollment of herself and her children, George A. Palmer, Lee H. Palmer, Earl A. Palmer, and Jessie A. Palmer as citizens by blood of the Choctaw Nation; that on February 23, 1901, written application was filed for the enrollment of Betty May Palmer, minor daughter of Augustus A. Palmer and Pearlee Elizabeth Palmer, as a citizen by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Colbert, Indian Territory, October 13, 1898, by J. Wesley Hill for the enrollment of himself and his minor children, Birtie B. Hill and William L. Hill, as citizens by blood of the Choctaw Nation; that on October 30, 1899, application was made for the enrollment of Fairlee Jane Hill, and on November 25, 1901, application was made for the enrollment of Roy Velt Hill, minor children of J. Wesley Hill and Dollie Hill, as citizens by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Colbert, Indian Territory, October 13, 1898, by G. J. Humphrey for the enrollment of himself and his minor children, William Humphrey, Cullis M. Humphrey and Emmett L. Humphrey, as citizens by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Atoka, Indian Territory, December 7, 1900, by Willie O. Humphrey for the enrollment of herself as a citizen by intermarriage of the Choctaw Nation; that on November 21, 1901, written application was filed for the enrollment of Johnson Humphrey, minor son of George J. Humphrey and Willie O. Humphrey, as a citizen by blood of the Choctaw Nation.

On July 18, 1906, written applications were filed for the enrollment of Floyd Hurst Humphrey (born October 6, 1903), and Gladys Humphrey (born July 24, 1905), children of G. J. Humphrey and Willie Ollie Humphrey, as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

On July 21, 1906, written application was filed for the enrollment of Leon Augustus Palmer (born October 2, 1904), child of George A. Palmer and Maggie Pearl Palmer, as a citizen by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 9, 1896, for the admission of the following applicants as citizens of the Choctaw Nation, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321): Elizabeth Palmer (as P. Elizabeth Palmer, nee Hill), George A. Palmer (as George Allen Palmer), Lee H. Palmer (as Lee Palmer), Earl A. Palmer (as E. Arthur Palmer), J. Wesley Hill, Birtie B. Hill (as Birdie Bell Hill), Joseph L. Blogg (as Joseph Lewis Blogg), and William H. Hill (as W. H. Hill). OnDecember 1, 1896, said application was denied by the Commission (1896 Choctaw Citizenship Case No. 61).

It further appears that on September 9, 1896, application was made to the Commission to the Five Civilized Tribes for the admission of G. J. Humphrey (as G. J. Humphreys), Cullis M. Humphrey (as Cullus Monroe Humphreys), William Humphrey (as William Walter Humphreys), and Emmett L. Humphrey (as Emmet Lewis Humphreys) as citizens by blood of the Choctaw Nation. On December 8, 1896, said application was denied by the Commission (1896 Choctaw Citizenship Case No. 1364.

From these decisions of the Commission appeal was taken to the United States Court for the Central District of Indian Territory, said cases being consolidated on appeal, and on August 26, 1897, said United States Court reversed the decisions of the Commission and admitted said applicants to citizenship in the Choctaw Nation.

The judgment of the United States Court was subsequently vacated, set aside and held for naught by a decree of the Choctaw-Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al".

Said cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo, which Court, on November 28, 1904, in the case entitled "Lewis Hill, et al., vs. Choctaw and Chickasaw Nations" (Choctaw-Chickasaw Citizenship Court Case No. 132, Tishomingo Docket), rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, G. J. Humphreys or Humphrey, Elliet E. Humphreys or Elliet Leroy Humphrey, Wm. W. Humphreys or William Walter Humphrey, Cullus Humphreys or Cullus Monroe Humphrey, Joseph Lewis Blogg or Joseph Lewis Blogg, W. H. Hill or W. B. Hill, Elizabeth Palmer, Georgia Allen Palmer, Lee H. Palmer, Earl Palmer, Bertie Bell Hill, and J. W. Hill or J. Wesley Hill, be denied, and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom, and as to the petitioners, Jenie Palmer, Nettie May Palmer, Wm. Lafayette Hill or William Fayette Hill, Parilee Hill and Ray Velt Hill, the Court having no jurisdiction, their petition is dismissed".

On January 24, 1903, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Josie Allen Palmer, Nettie May Palmer, William L. Hill, Pairlee Jane Hill, Roy Velt Hill, William Ollie Humphrey and Johnson Humphrey, for the reason that the citizenship of the persons through whom said applicants claim their right to enrollment had been adversely determined by the Choctaw and Chickasaw Citizenship Court.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes on January 8, 1906, there was filed on March 22, 1906, by Thomas Norman, attorney for the petitioners, a petition praying for the enrollment of W. P. Hill, Dollie Hill, Willie Hill, Paralee Hill, Roy Hill, Bertie Hill (nee Morris), Bertie Gipson (nee Hill), T. J. Blagg, Joseph Lewis Blagg, Paralee Elizabeth Palmer, A. A. Palmer, George Palmer, Lee Palmer, Josie Palmer, Nettie W. Palmer, Earl Palmer, Pearl Palmer, Leon Augusta Palmer, George J. Humphrey, Willie O. Humphrey, William W. Humphrey, Cullis M. Humphrey, Parent T. Humphrey, Johnson Humphrey, Floyd T. Humphrey and Gladys Humphrey as citizens of the Choctaw Nation.

Said petitioners, except Dollie Hill, Bertie Hill (nee Morris), T. J. Blagg, A. A. Palmer and Pearl Palmer, are identical with the persons for whose enrollment as citizens of the Choctaw Nation application was made under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and April 26, 1906 (34 Stats., 137).

This office has no record of any application ever having been made for the enrollment of the petitioners, Dollie Hill, Bertie Hill (nee Morris), T. J. Blagg, A. A. Palmer and Pearl Palmer, as citizens of the Choctaw Nation prior to the filing of the petition herein.

The record herein shows that the petitioners' claim to a right to enrollment as citizens of the Choctaw Nation is based upon the allegation that the petitioners, Wesley Hill, W. P. Hill and Paralee Elizabeth Palmer, among other members of the family of Louis Hill, were admitted to citizenship in the Choctaw Nation in November, 1899 or 1900, by the United States Indian Agent, on an appeal from an adverse decision of the Choctaw Council.

It does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that any of the petitioners were ever enrolled as citizens of the Choctaw Nation by the tribal authorities of said nation. Their names do not appear on any of the tribal rolls of the Choctaw Nation in the possession of this office.

The record herein indicates that a decision was rendered by the United States Indian Agent in the matter of the application of Louis Hill, et al., for admission to citizenship in the Choctaw Nation. The record fails to show, however, that the petitioners were admitted to citizenship in the Choctaw Nation by said Indian Agent, or that said petitioners ever occupied such a status as would entitle them to enrollment as citizens of the Choctaw Nation.

I am, therefore, of the opinion that the action of the Choctaw-Chickasaw Citizenship Court of December 17, 1902, is final, and that the application for the enrollment of William B. Hill, Joseph L. Blagg, Elizabeth Palmer, George A. Palmer, Lee H. Palmer, Earl A. Palmer, J. Wesley Hill, Bertie B. Hill (now Gipson), G. J.

Humphrey, William Humphrey, Callie M. Humphrey and Everett L. Humphrey, and the petition herein in so far as same applies to said applicants, should be denied, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Willie O. Humphrey, Johnson Humphrey, Willie (or William L.) Hill, Paralee (or Fairlee Jane) Hill, Roy (or Roy Walt) Hill, Josie (or Josie A.) Palmer and Nettie M. (or Netty May) Palmer, whose applications for enrollment as citizens of the Choctaw Nation have heretofore been dismissed by the Commission to the Five Civilized Tribes, should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein, in so far as same applies to the petitioners, Dollie Hill, Bertie Hill (nee Morris), T. J. Flagg, A. A. Palmer and Pearl Palmer, for whose enrollment as citizens of the Choctaw Nation no application was made prior to December 1, 1905, should be dismissed, and it is so ordered.

I am further of the opinion that the applications filed July 18, 1906, and July 21, 1906, for the enrollment of Leon Augustus Palmer, Floyd Hurst Humphrey and Gladys Humphrey as citizens by blood of the Choctaw Nation, and the petition herein in so far as it applies to said applicants, should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

SIGNED Tams Bixby

Commissioner.

Muskogee, Indian Territory,

FEB 23 1907

7-5266

Muskogee, Indian Territory, July 30, 1906.

George Allen Palmer,

Roberts, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Maggie Pearl Palmer and J. R. Keller to the birth of Leon Augustus Palmer, child of George Allen and Maggie Pearl Palmer, October 2, 1904.

Respectfully,

Commissioner.

Choc. Minor 1016
John Albert Pautsky

M1016

1016

MINOR

CHOCTAW

ENROLLMENT

JOHN ALBERT PAUTSKY

As Citizen of the
CHOCTAW NATION.

Approved April 26, 1906

1016

New Born #1016

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

John Albert Pautsky

as a citizen of

Chotaw Nation.

Approved..... 190...

.....
Commissioner.

Born March 17, 1905.
Act of Congress approved
April 26, 1906.

Department of the Interior
Commissioner to the Five
Civilized Tribes .

Filed Jul. 23, 1906.
Tams Bixby
Commissioner

Choctaw N.B. 1016
Received Jul. 13, 19 06.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of John Albert Pautsky (Here insert name of child) born on the 17 day of March, 905

Name of Father: J. A. Pautsky a citizen of the Nation.

Name of Mother: Grace M. Pautsky a citizen of the Choctaw Nation.

Tribal enrollment of father Tribal enrollment of mother Choctaw

Postoffice Ravia, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Grace M. Pautsky, on oath state that I am 25 years of age and a citizen by blood, of the Choctaw Nation; that I am the lawful wife of J. A. Pautsky, who is a citizen, by ....., of the ..... Nation; that a male (Male or Female) child was born to me on 17 day of March 1905.; that said child has been named John Albert Pautsky and was living March 4, 1906.

Mrs. Grace M. Pautsky

WITNESSES TO MARK:

[Must be Two Witnesses] { E. S. Hurt
B. W. Ross

Subscribed and sworn to before me this 10th day of July 1906.
(SEAL)

J. F. Pate
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
..... District. }

I, F. J. Baum, a physician, on oath state that I attended on Grace M. Pautsky, wife of J. A. Pautsky on the 17 day of March 905; that there was born to her on said date a ..... (Male or Female) child; that said child was living March 4, 1906, and is said to have been named John Albert Pautsky

F. J. Baum, M. D.

(SEAL)

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 12 day of July 1906.

J. F. Pate
Notary Public.

23-1016

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John Albert Pautsky as a citizen by blood of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein that on July 13, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of John Albert Pautsky as a citizen by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that said applicant was born on March 17, 1906; that he was living on March 4, 1906; and that he is the son of J. A. Pautsky, a non-citizen, and Grace M. Pautsky, who as Grace M. Cobb, was denied citizenship in the Choctaw Nation by a decree of the Choctaw and Chickasaw Citizenship Court on December 5, 1904, in case No. 35 upon the Tishomingo Docket of said Court.

I am, therefore, of the opinion that the application for the enrollment of John Albert Pautsky as a citizen by blood of the Choctaw Nation, should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,
FEB 26 1907

23-1016

COPY

Muskogee, Indian Territory, February 26, 1907.

J. A. Pautsky,

Ravia, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 26, 1907, denying the application for the enrollment of John Albert Pautsky as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.
Incl. 23-1016.

23-1016

COPY

Muskogee, Indian Territory, February 26, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw & Chickasaw nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 26, 1907, denying the application for the enrollment of John Albert Pautsky as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 23-1016.

COPY

Muskogee, Indian Territory, February 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of John Albert Pautsky as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated February 26, 1907, denying said application.

Respectfully,

SIGNED James Bixby

Commissioner.

2 Incl.

Through the
Commissioner of Indian Affairs.

D.C.12853.
L.R.S.

J.P.
F.M.M.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D.
6124,6146,6152,6158,6170-07.
6192,6992,7004,7266,7270-07
7284,7326,7344,7346,7374- "
7376,7380,7382,7404,7410- "
7414,7418,7442,7472,7478- "
7486,7490,7526,7548,7550- "
7552,7554,7586,7558,7594- "
7682,7654,7666, 7690- "
7694,7696,7696,7698,7708- "
7716,7724,7728, 7734- "

March 4, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee enrollment cases adverse to the applicants are hereby affirmed, viz:

Title of case,	Date of your letter of transmittal.
Alex and Lee G. Lewis (Freedmen)	February 14, 1907
Cora Bailey (Freedman)	February 13, 1907
Virginia and Dave Colbert (Freedmen)	February 13, 1907
Stella Marlow	February 15, 1907
Jeanne Pollock, et al,	December 24, 1906
Ulysis and Sydney Frazier (Freedmen)	February 14, 1907
Annie and Danier Carter (Freedmen)	February 14, 1907
Margie Hall (Freedmen)	February 16, 1907
Lavera Perry (Freedman)	February 7, 1907
Willie and Bennie Roberts	February 6, 1907
Clarence Vails	February 7, 1907
Beatrice and Maudie Jeffres (Freedmen)	February 11, 1907
L. F. Rhoades, et al,	February 14, 1907
Alremer Pitchlynn (Freedman)	February 11, 1907
Henry and Minnie Reed (Freedmen)	February 11, 1907
Vivian V. and Clyde Parks	February 11, 1907
Marvin Clifford Manley	February 7, 1907
Blanche M. Stark, et al,	February 20, 1907

Title of case.		Date of your letter of transmittal.
James H. Law,	(Intermarried)	February 6, 1907.
Bell Serna	(Miss. Choc.)	February 7, 1907.
David & Mariedell Powell	(Freedmen)	February 7, 1907.
Sammie Blunt	(Freedman)	February 7, 1907.
Clora & Annie Berry	(Freedmen)	February 21, 1907.
Robert Thompson	(Freedman)	February 21, 1907.
Washington & Hester Anthony	(Freedmen)	February 21, 1907.
Ann & Emmett Walzen	(Freedmen)	February 21, 1907.
Dee Wilson	Freedman)	February 20, 1907.
Blanch Johnson	(Freedman)	February 16, 1907.
Luvena May Everett	(Miss. Choc.)	February 23, 1907.
Viola Warrior	(Freedman)	February 21, 1907.
Ella Folsom, et al,	(Freedman)	February 21, 1907.
Edward Adamson	(Freedman)	February 21, 1907.
Allie May & Amos Williams	(Freedmen)	February 21, 1907.
John Ward, et al,		January 23, 1907.
Frank P. Morgan	(Intermarried)	January 24, 1907.
Marion James Robins,	(Freedman)	February 21, 1907.
William C. York, et al,		January 16, 1907.
William S. Watters, et al,		February 23, 1907.
Charley Braggs,	(Freedman)	February 21, 1907.
Hattie Marie Stewart, et al,		February 25, 1907.
Robert McCoy	(Freedman)	February 18, 1907.
George Chatman	(Freedman)	February 21, 1907.
Louisa Perry,	(Freedman)	February 19, 1907.
John Albert Pautaky		February 26, 1907
Nancy P & Thursey McLarty		February 26, 1907.
Mathes Shockey,		February 26, 1907.
Albert & Ermer Piggee	(Freedmen)	February 26, 1907.
Boling McKinney, et al.	(Freedman)	February 26, 1907.

Copies of Indian Office letters submitting your reports and recommending that the decisions be approved, are inclosed.

A copy hereof and all the papers in the above-mentioned cases have been sent to the Indian Office.

Respectfully,
E. A. Hitchcock.
Secretary.

48 inc. and
98 for Ind.Of with
copy hereof.

AFMc
3-4-07

--Copy--

Refer in reply to the following.

DEPARTMENT OF THE INTERIOR,

LAND
19627-1907.
D. C. 12853

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated February 21, 1907, relative to the application for the enrollment of Viola Warrior as a Chickasaw or Choctaw freedman, including the decision of the Commissioner of February 21, 1907, denying the application.

The Office has examined the record in this case and finds the conclusions of the Commissioner to be correct, and his decision denying the application is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-RH

23-1016

Muskogee, Indian Territory, April 13, 1907.

J. A. Pautsky,

Ravia, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered February 26, 1907, denying the application for the enrollment of John Albert Pautsky as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

23-1016

Muskogee, Indian Territory, April 13, 1907.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester Indian Territory.

Gentlemen:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of the Comm Commissioner to the Five Civilized Tribes, rendered February 26, 1907, denying the application for the enrollment of John Albert Pautsky as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.
Acting Commissioner.

7-5275

Muskogee, Indian Territory, July 23, 1906.

E. S. Hurt,

Ravia, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 12, transmitting the affidavits of Grace M. Pautsky and F. J. Hamme, to the birth of John Albert Pautsky, child of J. A. Pautsky and Grace M. Pautsky, March 17, 1905.

Respectfully,

Commissioner.

Choc. Minor 1017

M1017

1017

MINOR

CHOCTAW

ENROLLMENT

ALFRED PYBURN

As Citizen of the
CHOCTAW NATION.
Act of Congress
Approved April 26 1906

Application received Jan 1, 1907
Refused - [illegible]
Copy of decision to applicant Jan 1, 1907
Copy of decision forwarded to Attorney for Choctaw Nation Jan 4, 1907
Record forwarded for Initial Jan 7, 1907
Action approved by Secretary of the Int. Feb 20, 1907
Notice of favorable decision forwarded to Attorneys for Choctaw and Chickasaw Nations April 11, 1907
Notice of favorable decision to applicant April 1907

1017

NEW BORN #1 017.

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Alfred Pyburn

as a citizen of

Choctaw Nation.

Approved..... 190...

.....
Commissioner.

Born Feb. 16, 1903.

Act of Congress approved April 26, 1906.

Department of the Interior
Commissioner to the Five Civilized Tribes.
F I L E D AUG 4, 1906.
Tams Bixby, Commissioner.

CHOCTAW RECEIVED JUL 20 1906
N. B. 1017.

BIRTH AFFIDAVIT — 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Alfrad Pyburn [More insert name of child], born on the 16 day of Feb 1903.

Name of Father: John W. Pyburn a citizen of the Nation.

Name of Mother: Louella Pyburn a citizen of the Choctaw Nation.

Tribal enrollment of father Tribal enrollment of mother

Postoffice Purdy I. T.

(SEAL)

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Louella Pyburn, on oath state that I am 38 years of age and a citizen by blood of the Choctaw Nation; that I am the lawful wife of John W. Pyburn, who is a citizen, by of the Nation; that a Male [Male or Female] child was born to me on the 16 day of February 1903; that said child has been named Alfred Pyburn and was living March 4, 1906.

Louella Pyburn

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 18 day of July 1906.

R. W. Small
Notary Public

(SEAL)

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, J. W. Tucker, a Physician, on oath state that I attended on Louella Pyburn, wife of John W. Pyburn on the 16 day of February 1903; that there was born to her on said date a Male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Alfred Pyburn.

J. W. Tucker M. D.

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 18 day of July 1906.

R. W. Small
Notary Public

23-1017.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-:O:-

In the matter of the application for the enrollment of Alfred Pyburn as a citizen by blood of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that on July 20, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Alfred Pyburn as a citizen by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that Alfred Pyburn was born February 16, 1903 and is the son of John W. Pyburn, a non citizen white man and Lieuella Pyburn, who was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on April 18, 1904 in Case No. 101 on the South McAlester Docket thereof.

I am of the opinion that the applicant, Alfred Pyburn, is not entitled to enrollment as a citizen by blood of the Choctaw Nation and that the application for his enrollment as such should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137) and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

23-1017

Muskogee, Indian Territory, January 9, 1907.

John W. Pyburn,
Purdy, Indian Territory.

Dear Sir,

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Alfred Pyburn as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Registered.
Incl. 23-1017.

23 1017

Muskogee, Indian Territory, January 9, 1907.

Mansfield, McMurray, and Cornish,
Attorneys for the Choctaw and Chickashaw Nations,
South McAlester, Indian Territory.

Dear Sirs:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Alfred Pyburn as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Inel. 23-1017.

Muskogee, Indian Territory, January 9, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Alfred Pyburn as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 9, 1907, denying said application.

Respectfully,

Commissioner.

2 Incl. 23-1017

Through the
Commissioner of Indian Affairs.

D.C. 12426.
d

J.P.

DEPARTMENT OF THE INTERIOR,

I.T.D. WASHINGTON.
4990, 5020, 5024, 5068, 5090- 07.
5092, 5110, 5116, 5118, 5178- "

February 28, 1907.

LRS.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
Alfred Pyburn,	January 9, 1907.
Frankie Buck,	January 9, 1907.
Arizona Pearl Sanders,	January 9, 1907.
Esther J. Buchanan,	January 16, 1907.
James O. Bumley,	December 1, 1906.
Jackson R. Lewis,	December 1, 1906.
Dora J. Smith,	January 28, 1907.
Mary Fitch,	January 14, 1907.
Jeff Sampson,	January 21, 1907.
Allen Wright, (Freedmen)	January 23, 1907.

Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed, are inclosed.

A copy hereof and all the papers in the above-mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

10 inc. and 20 for Ind. Of.

AVMc.
3-1-07.

Refer in reply to the following. 945 117 -Copy-

DEPARTMENT OF THE INTERIOR,

Land.
3894-1907. OFFICE OF INDIAN AFFAIRS,

WASHINGTON. February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 9, 1907, transmitting the record relative to the application of Alfred Pyburn for enrollment as a citizen by blood of the Choctaw Nation.

On July 20, 1906, application was made to the Commissioner for the enrollment of Alfred Pyburn as a citizen by blood.

On January 9, 1907, the Commissioner held that the applicant was not entitled to enrollment.

The record shows that the applicant is the minor son of John W. Pyburn, a non-citizen, and Lieuella Pyburn, who was denied enrollment as a citizen by blood of the Choctaw Nation, by the Choctaw and Chickasaw Court on April 18, 1904, in case No. 101.

This case does not come within the decision of the Department of February 10, 1905 (I. T. D. 10353-1904) in the case of Loula West, as neither of the parents of the applicant had a tribal status in 1896.

Under the provisions of Section 2, of the Act of April 26, 1906, (34 Stat. L., 137), the decision of the Commissioner

adverse to the applicant is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

H. R. D. -ML

23-1017

Muskogee, Indian Territory, April 11, 1907.

John W. Pyburn,

Purdy, Indian Territory.

Dear Sir:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of January 9, 1907, denying the application for the enrollment of Alfred Pyburn as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rogers.

ACTING Commissioner.

23-1017

Muskogee, Indian Territory, April 11, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of January 9, 1907, denying the application for the enrollment of Alfred Pyburn as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo D. Rodgers

Commissioner.

7-5010

Muskogee, Indian Territory, July 30, 1906.

John W. Pyburn,

Purdy, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Louella Pyburn and J. W. Tucker to the birth of Alfred Pyburn, child of John W. and Louella Pyburn, February 16, 1903.

Respectfully,

Commissioner.

Choc. Minor 1018

George Cecil Parker

M1018

1018

MINOR

CHOCTAW

ENROLLMENT

GEORGE CECIL PARKER

As Citizen [illegible]
CHOCTAW [illegible] NATION
Act [illegible]
Approved April 26 [illegible]
Refused Feb [illegible] 1907
Copy of application [illegible]
appeal record
filed [illegible]
Copy of application forwarded
Attorney for Choctaw
and Chickasaw Nations
Feb 21, 1907
Record forwarded to Department
Feb 21, 1907
Action Approved by
Secretary of Interior
Mar 4, 1907
Notice of Departmental
Action forwarded to Attorneys
for Choctaw and Chickasaw
Nations Apr [illegible] 1907.

1018

(over)

Notice of Departmental
Action mailed applicant
Apr [illegible]

New Born #1 018

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

George Cecil Parker

as a citizen of

Choctaw Nation.

Approved..... 190...

.....

Commissioner.

Born Oct. 2, 1904.

Act of Congress approved April 26, 1906.

Department of the Interior .
Commissioner to the Five
Civilized Tribes.

Filed Aug. 13, 1906.

Tams Bixby,
Commissioner

Choctaw N. B. 1018

Received Jul. 19, 1906.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of George Cecil Parker [Here insert name of child], born on the 2nd day of October 1904.

Name of Father: Wm. I. Parker a citizen of the United States Nation.

Name of Mother: Lenora Parker a citizen of the Choctaw Nation.

Tribal enrollment of father.....Tribal enrollment of mother.....

Postoffice.....

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, Southern District.

I, Lenora Parker, on oath state that I am 26 years of age and a citizen by blood, of the Choctaw Nation; that I am the lawful wife of Wm. I. Parker, who is a citizen, by birth, of the United States Nation; that a male [Male or Female] child was born to me on 2nd day of October 1904.; that said child has been named George Cecil Parker and was living March 4, 1906.

Lenora Parker

WITNESSES TO MARK:

[Must be Two Witnesses] .....

.....

(SEAL)

Subscribed and sworn to before me this 26th day of June 1906.

Thos J. White

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, Southern District.

I, Dr. F. B. Stobaugh, a Physician, on oath state that I attended on Lenora Parker, wife of Wm. I. Parker on the 2nd day of October, 1904; that there was born to her on said date a male [Male or Female] child: that said child was living March 4, 1906, and is said to have been named George Cecil Parker

F. B. Stobaugh M. D.

WITNESSES TO MARK:

[Must be Two Witnesses] .....

.....

Subscribed and sworn to before me this 26th day of June 1906.

Thos J. White.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

23-1018

In the matter of the application for the enrollment of GEORGE CECIL PARKER as a citizen by blood of the Choctaw Nation.

D E C I S I O N .

The record herein shows that on July 19, 1906, written application was filed with the Commissioner to the Five Civilized Tribes for the enrollment of George Cecil Parker as a citizen by blood of the Choctaw nation.

The record herein further shows that said applicant was born on October 2, 1904, that he was living on March 4, 1906, and that he is the son of Lenora Parker, an alleged citizen by blood of the Choctaw nation and Wm. I. Parker, a non-citizen.

The records in the possession of the Commissioner to the Five Civilized Tribes show that Lenora Parker, the mother of the applicant, was denied citizenship in the Choctaw nation by the Choctaw-Chickasaw Citizenship Court on March 21, 1904, and that on March 19, 1906, this office denied the petition for her enrollment as a citizen of the Choctaw nation in the case of Mattie Shockley, et al, and on the same date the record in said case was forwarded to the Department.

I am of the opinion that the application for the enrollment of George Cecil Parker as a citizen by blood of the Choctaw Nation should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137) and it is so ordered.

COMMISSIONER.

Muskogee, Indian Territory,

FEB 21 1907

23- 1018.

COPY

Muskogee, Indian Territory, February 21 ,1907.

Wm. T. Parker,

Mannsville, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 21, 1907, denying the application for the enrollment of George Cecil Parker as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered
Incl. 23-1018.

23-1018.

COPY

Muskogee, Indian Territory, February 21, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations .

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 21, 1907, denying the application for the enrollment of George Cecil Parker as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Incl. 23-1018.

COPY

Muskogee, Indian Territory, February 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of George Cecil Parker as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated February 21, 1907, denying said application.

Respectfully,

SIGNED Tams Bixby

Commissioner.

2 Incl. 23-1018.

Through the
Commissioner of Indian Affairs.

JP.
FHE.

D. C. 12886-1907.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. March 4, 1907.

I. T. D.
6974, 7102, 7104, 7106-07.
7110, 7126, 7184, 7232- "
LRS.
DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw enrolment cases adverse to the applicants are hereby affirmed, viz:

Title of Case.	Date of your letter of transmittal.
William Green (Freedman),	February 21, 1907.
Martha Thompson (Intermarried)	February 18, 1907.
Mary Wright (Freedman),	February 14, 1907.
Zena Stembope	February 18, 1907.
Ann Thompson, et al.,	February 18, 1907.
William F. Robinson, et al.,	February 21, 1907.
George Cecil Parker,	February 21, 1907.
Lem Folsom (Freedman),	February 12, 1907.

Copies of Indian Office letters submitting your reports and recommending that the decisions be approved, are inclosed.

A copy hereof and the papers in the above-mentioned cases have been sent to the Indian Office.

Respectfully,

E. A. Hitchcock,

Secretary.

8 inc. and
16 for Ind. Of. with
copy hereof.
WCF. 3-4-07.

Refer in reply to the following. --Copy--

DEPARTMENT OF THE INTERIOR,

Land.
19648-1907. OFFICE OF INDIAN AFFAIRS,

WASHINGTON. March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby dated February 21, 1907, transmitting the record relative to the application of George Cecil Parker for enrollment as a citizen by blood of the Choctaw Nation, including the Commissioner's decision of February 21, 1907, declining to receive or consider the application.

The record shows that the action of the Commissioner is correct and the approval of his decision is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-

23-1018

Muskogee, Indian Territory, April, 10, 1907.

Wm. T. Parker,

Mannsville, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 21, 1907, denying the application for the enrollment of George Cecil Parker as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

23-1018

Muskogee, Indian Territory, April 10, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 21, 1907, denying the application for the enrollment of George Cecil Parker as a citizen by blood of the Choctaw Nation.

Respectfully,

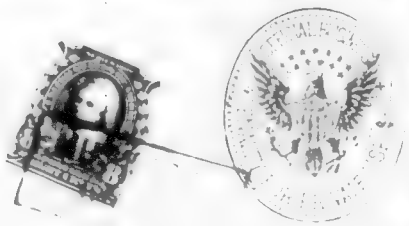
Geo. D. Rodgers.

Acting Commissioner.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



W. . . ,

. . . ville, Indian Territory.

Choc. Minor 1019

Cora A. Pyle

M1019

1019

MINOR

CHOCTAW

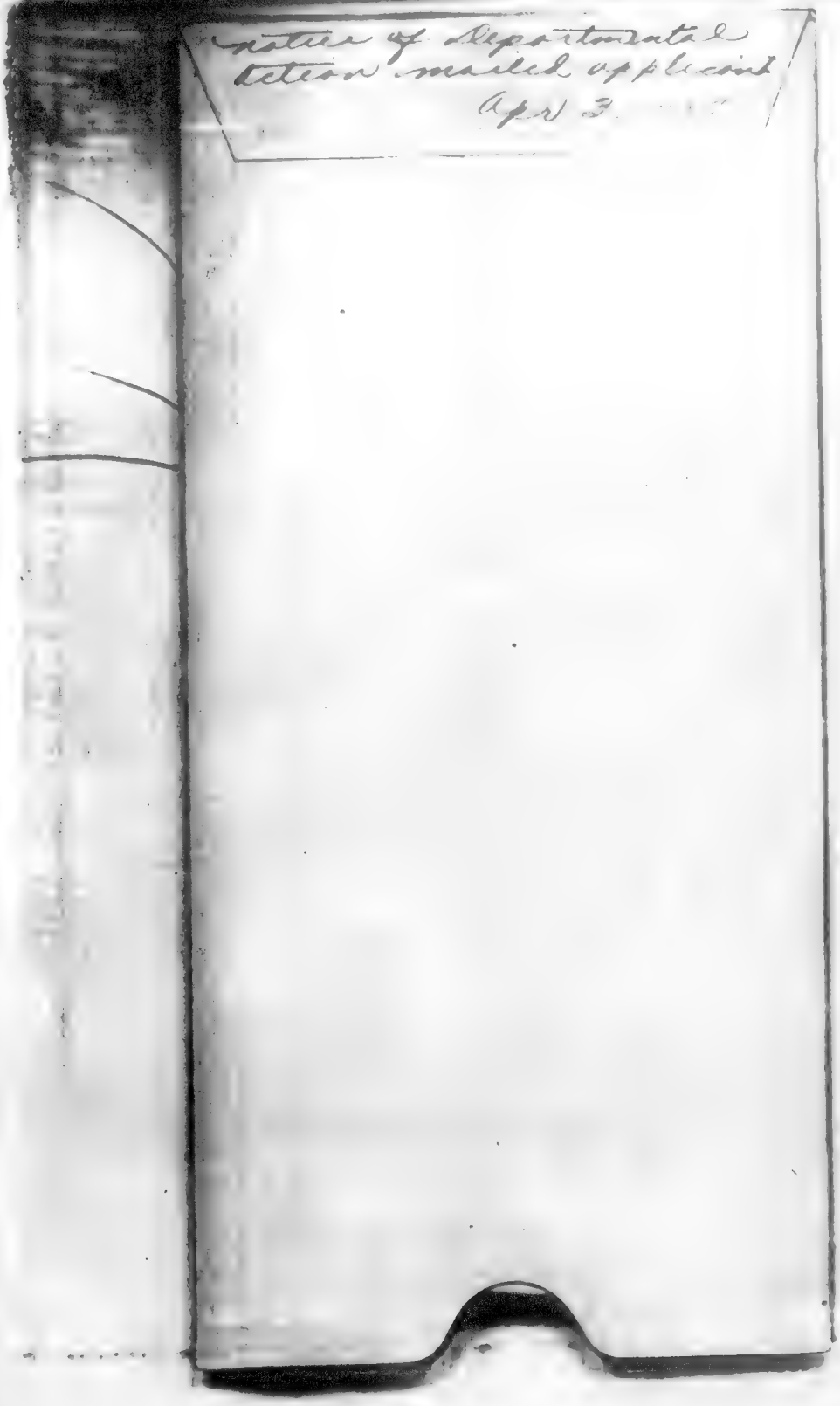
ENROLLMENT

CORA A. PYLE

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26, 1906
Decision Rendered Jan 9, 1907
Refused Jan 9, 1907
Copy of Report forwarded
applicant
Jan 9, 1907
Copy of decision forwarded
Attorneys Jas. Bartlett
and Chickasaw Nations
Jan 9, 1907
Record forwarded Department
Jan 9, 1907
Action approved by
Secretary of Interior
Feb 27, 1907
Notice of appeal entered
Petition forwarded Attorney
for Choctaw and Chickasaw
Nations Apr 3, 1907

1019

(over)


notice of Departmental
action mailed applicant
Apr 3

NEW BORN #1019

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

CORA A. PYLE

as a citizen of

CHOCTAW Nation.

Approved..... 190...

Commissioner.

Born July 17, 1905.
Act of Congress approved April 26, 1906.
Department of the Interior
Commissioner to the Five
Civilized Tribes.
F I L E D MAY 25 1906
Tams Bixby, Commissioner.

Choctaw Received May 11, 1906.
N. B/ 1019

BIRTH AFFIDAVIT. 198

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the ...CHOCTAW... Nation,

of ...CORA A. PYLE... [Here insert name of child] born on the ..17...day of ...July... 1905

Name of Father: G. A. Pyle ...a citizen of the U.S. Nation.

Name of Mother: Effie V. Pyle, Nee, Tidwell ..a citizen of the ...Choctaw... Nation.

Tribal enrollment of father United States ...Tribal enrollment of mother Choctaw

Postoffice Byars, Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
...Southern... District. }

I, ...Effie V Pyle, nee Tidwel..., on oath state that I am ...18... years of age and a citizen by Blood ..., of the ...Choctaw... Nation; that I am the lawful wife of ...G. A. Pyle..., who is a citizen, by ...United States... the ...Nation; that a ...Girl... [Male or Female] child was born to me on 17 ...day of July ...1905.; that said child has been named ...Cora A. Pyle... and was living March 4, 1906.

Effie V Pyle

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 9th ...day of May ...1906.

C. P. Haggard (SEAL)
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
...Southern... District. }

I, ...Marthenia, Tidwell, ...Mid Wife, ..., on oath state that I attended on ...Effie V Pyle, Nee Tidwell..., wife of ...G. A. Pyle... on the ..17th...day of July ...1905.; that there was born to her on said date a ...Girl... [Male or Female] child; that said child was living March 4, 1906, and is said to have been named ...Cora A Pyle...

Marthenia Tidwell

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 9th ...day of May ...1906.

C. P. Haggard (SEAL)
Notary Public.

23-1019.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-:O:-

In the matter of the application for the enrollment of Cora A. Pyle as a citizen by blood of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that on May 11, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Cora A. Pyle as a citizen by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that Cora A. Pyle was born July 17, 1905 and is the daughter of Effie V. Pyle, who (as Effie Viola Tidwell) was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on June 29, 1904 in Case No. 56 on the Tishomingo Docket thereof and G. A. Pyle, a non-citizen.

I am of the opinion that the applicant, Cora A. Pyle, is not entitled to enrollment as a citizen by blood of the Choctaw Nation and that the application for her enrollment as such should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137) and it is so ordered.

Commissioner.

Muskogee, Indian Territory,
JAN 9 - 1907

23-1019

COPY.

Muskogee, Indian Territory, January 9, 1907.

G. A. Pyle,

Byars, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Cora A. Pyle as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Registered.

Incl. 23-1019.

23 1019

Muskogee, Indian Territory, January 9, 1907.

Mansfield, McMurray, and Cornish,

Attorneys for the Choctaw and Chickashaw Nations,

South McAlester, Indian Territory.

Dear Sirs:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Cora A. Pyle as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior fro review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Incl. 23-1019.

COPY.

Muskogee, Indian Territory, January 9, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Cora A. Pyle as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 9, 1907, denying said application.

Respectfully,

[illegible] Bixby

Commissioner.

2 Incl. 23-1019.

Through the
Commissioner of Indian Affairs.

Y.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON. O.K.

LRS
D. C. 12081-1907.
I. T. D.
4594, 4604, 4606, 4608,- 1907.
4642, 4650, 4668, 4702, "
4716, 4722, 4724, 4728 "

February 27, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of Your Letter of transmittal.
Tom Isaac, (Miss. Choc.),	December 15, 1906.
Viney King et al., (Freedmen),	October 19, 1906.
Frank Going,	October 19, 1906.
James Morris,	October 19, 1906.
Wiley E. Davis et al.,	January 16, 1907.
Susan Jackson et al.,	January 29, 1907.
Lillie Henderson,	January 16, 1907.
Claudia A. Plate et al.,	December 24, 1906.
Beatrice Bottoms,	January 9, 1907.
William H. Mitchell et al.,	January 9, 1907.
Thedia D. Blake et al.,	November 22, 1906.
Cora A. Pyle,	January 9, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

12 inc. and 24 inc. for Ind. Of.

AWG
2-28-07.

944/304

Refer in reply to the following:
Land.
2806-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

-Copy-

February 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 9, 1907, transmitting the record relative to the application of Cora A. Pyle for enrollment as a citizen by blood of the Choctaw Nation.

On May 11, 1906, application was made to the Commissioner for the enrollment of Cora A. Pyle as a citizen by blood.

On January 9, 1907, the Commissioner held that the applicant was not entitled to enrollment.

The record shows that the applicant is the minor daughter of G. A. Pyle, a non-citizen, and Effie V. Pyle, who was denied enrollment as a citizen by blood of the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on June 29, 1904, in case No. 56.

In view of the provisions of Section 2 of the Act of April 26, 1906 (34 Stat.L., 137), the decision of the Commissioner adverse to the applicant is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.R.D. - MK

23-1019

Muskogee, Indian Territory, April 3, 1907.

C. A. Pyle,

Byars, Indian Territory.

Dear Sir:

You are hereby advised that on February 27, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Cora A. Pyle as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

23-1019

Muskogee, Indian Territory, April 3, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 27, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Cora A. Pyle as a citizen by blood of the Choctaw Nation.

Respectfully, -

C. Rodgers.

Acting Commissioner.

Choc. Minor 1020
David D. Tidwell
John E. "

M1020

1020

MINOR

CHOCTAW

ENROLLMENT

DAVID D. TIDWELL

JOHN E. "

As Citizen of the
CHOCTAW NATION
Act of Con., 1893
Approved April 3, 1901

Decision Rendered Jan 1, 1907
Refused Jan 7, 1907
Copy of Decision Forwarded
applicant
Jan 7, 1907
Copy of Decision forwarded
Attorney for Choctaw and
Chickasaw Nations
Jan 7, 1907
Record Forwarded Department
Jan 7, 1907
Action approved by
Secretary of Interior
May 1, 1907
Notice of Appointment letter
forwarded Attorneys for Choctaw
and Chickasaw Nations
May 3 1907

(over) 1020

Nature of alleged contents
Letter of Consul U.S. applicant
Aug 15 [illegible]

NEW BORN #1020

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

David D Tidwell

as a citizen of

Choctaw Nation.

Approved..... 190...

.....
Commissioner.

Born Feb, 14, 1904

Act of Congress approved April 26, 1906.

Department of the Interior
Commissioner to the Five Civilized Tribes
F I L E D JUN 4 1906
Tams Bixby Commissioner.

CHOCTAW RECEIVED MAY 23 1906
N. B. 1020

BIRTH AFFIDAVIT — 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of David D Tidwell [Here insert name of child], born on the 14 day of Feb 1904

Name of Father: John W Tidwell a citizen of the Choctaw Nation.

Name of Mother: Mary May Tidwell a citizen of the Choctaw Nation.

Tribal enrollment of father Choctaw Tribal enrollment of mother U.S.

Postoffice Byars I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Mary May Tidwell, on oath state that I am 28 years of age and a citizen by Intermarriage of the Choctaw Nation; that I am the lawful wife of John W Tidwell, who is a citizen, by Blood, of the Choctaw Nation; that a Boy [Male or Female] child was born to me on 14 day of February 1904.; that said child has been named David D. Tidwell, and was living March 4, 1906.

Mary May Belle Tidwell

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 22 day of May 1906.

C. P. Haggard (SEAL)
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, M. P. Baird, a Midwife, on oath state that I attended on Mary May Tidwell, wife of John W. Tidwell on the 14 day of February 1904.; that there was born to her on said date a Boy [Male or Female] child; that said child was living March 4, 1906, and is said to have been named David D. Tidwell

M P Baird

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 22 day of May 1906.

C. P. Haggard (SEAL)
Notary Public.

New Born # 1020

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

John E. Tidwell

as a citizen of

Choctaw Nation.

Approved ..... 190...

.....

Commissioner.

Born May 9, 1905
Act of Congress approved April 26, 1906.
Department of the Interior
Commissioner to the Five Civilized Tribes
F I L E D JUN 4 1906
Tams Bixby, Commissioner

CHOCTAW RECEIVED MAY 23 1906
N. B. 1020

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the ... Choctaw ... Nation,

of ... John E Tidwell, ... born on the 9 ... day of ... May ... 1905.
[Here insert name of child]

Name of Father: ... John W Tidwell ... a citizen of the ... Choctaw ... Nation.

Name of Mother Mary May Tidwell ... a citizen of the Choctaw ... Nation.

Tribal enrollment of father ... Choctaw ... Tribal enrollment of mother Choctaw ...

Postoffice ... Byars, I T. ...

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
... Southern ... District. }

I, ... Mary May Tidwell ..., on oath state that I am ... 28 ... years of age and a citizen by intermariage., of the ... Choctaw ... Nation; that I am the lawful wife of ... John W Tidwell ..., who is a citizen, by ... Blood ..., of the ... Choctaw ... Nation; that a ... Boy ... child was
[Male or Female]
born to me on ... 9 ... day of ... May ... 1905; that said child has been named ... John E. Tidwell ... and was living March 4, 1906.

Mary May Belle Tidwell

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this ... 22 ... day of ... May ... 1906.

C. P. Haggard (SEAL)
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
... Southern ... District. }

I, ... M. P. Baird, ..., a ... Midwife ..., on oath state that I attended on Mary May Tidwell ..., wife of John W. Tidwell ... on the ... 9 ... day of ... May ... 1905; that there was born to her on said date a Boy ...
[Male or Female]
child; that said child was living March 4, 1906, and is said to have been named ... John E. Tidwell ...

M. P. Baird

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this ... 22 ... day of ... May ... 1906.

C. P. Haggard (SEAL)
Notary Public.

23-1020.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-:O:-

In the matter of the application for the enrollment of David D. Tidwell et al. as citizens by blood of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that on May 23, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of David D. Tidwell and John E. Tidwell as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that David D. Tidwell and John E. Tidwell were born February 14, 1904 and May 9, 1905, respectively and are the children of John W. Tidwell, who was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on June 29, 1904 in case No. 56 on the Tishomingo Docket thereof and Mary May Tidwell, whose application for enrollment as a citizen by intermarriage of the Choctaw Nation was dismissed by the Commission to the Five Civilized Tribes, September 15, 1904, the said Mary May Tidwell, claiming her right to enrollment as a citizen by intermarriage of the Choctaw Nation through the said John W. Tidwell.

I am of the opinion that the applicants, David D. Tidwell and John E. Tidwell, are not entitled to enrollment as citizens by blood of the Choctaw Nation and that the application for their enrollment as such should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137) and it is so ordered.

Commissioner.

Muskogee, Indian Territory,
JAN 9- 1907

23-1020

Muskogee, Indian Territory, January 9, 1907.

John W. Tidwell,

Byars, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of David D. Tidwell and John E. Tidwell as citizens by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Registered.
Incl. 23-1020

23-1020

COPY

Muskogee, Indian Territory, January 9, 1907.

Mansfield, McMurray, and Cornish,

Attorneys for the Choctaw and Chickahsaw Nations,

South McAlester, Indian Territory.

Dear Sirs:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of David D. Tidwell and John E. Tidwell as citizens by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 23-1020

COPY.

Muskogee, Indian Territory, January 9, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of David D. Tidwell and John E. Tidwell as citizens by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 9, 1907, denying said application.

Respectfully,

SIGNED Tams Bixby

Commissioner.

2 Incl. 23-1020

Through the
Commissioner of Indian Affairs.

R. C. 12206-1907. JP.
S. P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. March 1, 1907.

LRS.
I. T. D.
5004,5128,5130,5144,5208-1907.
5294,5310,5326,5330,5360- "
5392,5412,5446,5474,5494- "
5500,5504,5506,5512,5518- "
5550,5574,5580,5584,5586- "
5588,5592,5594,5604,5614- "
5618,5640,5616,5628,56[illegible] "
5343-1907. 11246-1906.
DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of your letter of transmittal.
Bennie Edmondson	January 14, 1907.
Josephine Lebum, et al.,	February 9, 1907.
Asro Allen Harvey, et al., (freedmen)	February 7, 1907.
Jodie Lee Wancsek,	February 6, 1907.
James Lewis Rogers, et al.,	January 28, 1907.
Porter Buckner (freedman)	February 8, 1907.
Esther James (freedman)	February 8, 1907.
Welsie Butler, et al.,	February 7, 1907.
Verna Dunlap, et al.,	January 28, 1907.
Betty Prince, et al.,	June 25, 1906.
Dave Busby, et al.,	January 29, 1907.
John Henry Sanders, et al., (freedmen)	January 26, 1907.
Lois Lucile Ray	January 9, 1907.
Hirakia Parks, et al.,	January 11, 1907.
David D. Tidwell, et al.,	January 9, 1907.
A. J. Crowson, et al.,	January 23, 1907.
Ader Williams, et al., (freedmen)	February 8, 1907.

Title of Case.	Date of your letter of transmittal.
Mary Henry	January 24, 1907.
Edith Paul, et al.,	January 26, 1907.
Willie J. Walker, et al.,	January 4, 1907.
Martha McCoy (freedman)	January 31, 1907.
Thomas Virgil Bottoms, et al.,	January 9, 1907.
Augustus Burris (freedman)	February 8, 1907.
James Wilson Welch	January 28, 1907.
Vara L. Dillard	January 28, 1907.
Sammie Morris (freedman)	February 8, 1907.
Chesteenie Pearce	December 24, 1906.
Alta A. Brown, et al.,	January 29, 1907.
William Henry Riddle	January 26, 1907.
Lula Reuton Bond, et al.,	December 22, 1906.
Manina Maud Carrol	January 26, 1907.
Ruther Ervin, et al.,	November 10, 1906.
Harrison Robison	December 24, 1906.
George Robinson, et al.,	December 24, 1906.
Carvenia Clark	November 10, 1906.
James King	January 28, 1907.
Nettie Brown, et al.,	June 15, 1906.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

37 inclosures,and
74 to Ind. Of.
AFWe.
~~3-1-07.~~

Refer in reply to the
following.

DEPARTMENT OF THE INTERIOR,

D. C. 12308-1907. OFFICE OF INDIAN AFFAIRS,
Land.
3889-1907. WASHINGTON.

February 25, 1907.

(COPY)

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 9, 1907, enclosing record in the matter of the application for the enrollment of David T. Tidwell and John E. Tidwell, as citizens by blood of the Choctaw Nation, including the decision of the Commissioner dated January 9, 1907, denying the application.

The record shows that application was duly made to the Commissioner to the Five Civilized Tribes on May 23, 1906, for the enrollment of David T. Tidwell and John E. Tidwell as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stat. L., 137).

The record further shows that David T. Tidwell was born February 14, 1904, and John E. Tidwell, on May 9, 1905, and that they are the children of John S. Tidwell, who was denied citizenship in the Choctaw Nation by the Choctaw-Chickasaw Citizenship Court on June 29, 1904, in case No. 56 on the Tishomingo Docket, and May Tidwell, whose application for enrollment as a citizen by intermarriage of the Choctaw Nation was dismissed by

the Commission to the Five Civilized Tribes on September 15, 1904, she claiming her right to enrollment as a citizen by intermarriage of the Choctaw Nation through John S. Tidwell.

Section 2 of the Act of April 26, 1906 (34 Stat. L., 137), provides for the receipt of applications for the enrollment of children whose "parents have been enrolled as members of the Choctaw x x x x tribes, or have applications pending for enrollment at the approval hereof."

Inasmuch as the applicants are not the children of enrolled citizens of the Choctaw Nation, the Office is of the opinion that the decision of the Commissioner, declining to receive or consider their application, is correct, and it is recommended that it be affirmed.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

EWE--SD.

23-1920

Muskogee, Indian Territory, April 13, 1907.

John W. Tidwell,

Byars, Indian Territory.

Dear Sir:

You are hereby advised that on March 1, 1907, the Secretary of the Interior affirmed the decision of this office of January 9, 1907, denying the application for the enrollment of David D. Tidwell and John E. Tidwell as citizens by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

ACTING Commissioner.

23-1020.

Muskogee, Indian Territory, April 13, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March [illegible], 1907, the Secretary of the Interior affirmed the decision of this office of January 9, 1907, denying the application for the enrollment of David D. Tidwell and John E. Tidwell as citizens by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

ACTING Commissioner.

7--D-6
7-D-874

Muskogee, Indian Territory, June 2, 1906.

C. P. Moggard,

Byars, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 22, 1906, transmitting the affidavits of Mary May Belle Tidwell and M. P. Baird to the birth of David D. Tidwell and John R. Tidwell, children of John W. and Mary May Tidwell, February 14, 1904 and May 9, 1905, respectively.

Respectfully,

Commissioner.

Choc. Minor 1021

Sam W. Potts

Joe Austin Potts

M1021

1021

MINOR

CHOCTAW

ENROLLMENT

SAM W. POTTS

JOE AUSTIN "

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26. 1906

Refused Feb 11, 1907

Record Examined & Signature Verified
Feb 11 1907

Action Approved by
Secretary of Interior
[illegible]

Notice Forwarded this day
Action Examiner & Choctaw
Chickasaw
Nations April 19 1907

Notice of Approval
Action Examiner

1021

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

- - - - -

In the matter of the applications for the enrollment as citizens by blood of the Choctaw Nation of . . . .

SAM W. POTTS, ET AL., 23 1921

5

New Born # 1021

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Sam N. Potts

as a citizen of

Choctaw Nation.

Approved..... 190...

.....

Commissioner.

Born Jan 5 / 1903

ACT OF CONGRESS APPROVED [illegible] 1898.

[illegible]

FILED
Jun 15 1906

[illegible]

Commissioner.

CHOCTAW
NB 1021

RECEIVED
Jun 9-1906

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Sam W. Potts, born on the 5 day of Jany 1903
[Here insert name of child]

Name of Father: William J Potts a citizen of the Choctaw Nation.

Name of Mother: Vanna D Potts a citizen of the Choctaw Nation.

Tribal enrollment of father Intermarried Choctaw tribal enrollment of mother Choctaw

Postoffice Durant Indian Territory

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Central District,

I, Vanna D Potts, on oath state that I am forty years of age and a citizen by Blood, of the Choctaw Nation; that I am the lawful wife of William G Potts, who is a citizen, by Intermarriage of the Choctaw Nation; that a male [Male or Female] child was born to me on 5th day of January 1903; that said child has been named Sam W. Potts and was living March 4, 1906.

(Seal) Vanna D Potts

WITNESSES TO MARK:

[Must be Two Witnesses] .....

.....

Subscribed and sworn to before me this 29th day of May 1906.

Clyde C Danning
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Central District,

I, Mrs. H. M. Coon, a mid wife attendant, on oath state that I attended on Mrs. Vania D. Potts, wife of William G Potts on the 5th day of January 1903; that there was born to her on said date a male [Male or Fem le] child; that said child was living March 4, 1906, and is said to have been named Sam W. Potts.

.....

WITNESSES TO MARK:

Seal [Must be Two Witnesses] .....

.....

Subscribed and sworn to before me this 29 day of May 1906.

Clyde C Danning
Notary Public.

New Born #1021

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

J. Austin Potts

as a citizen of

Chickasaw Nation.

Approved..... 190...

.....

Commissioner.

Born Feb 24, 1906

CONGRESS APPROVED APRIL 26, 1906.

Commissioner.

RECEIVED

June 16 1906

Commissioner.

CHICKASAW

N.B. 1021

RECEIVED

Jun 9-1906

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Joe Austin Potts [Here insert name of child] born on the 24th day of February, 1906

Name of Father: William G Potts a citizen of the Choctaw Nation.

Name of Mother Vanna D Potts a citizen of the Choctaw Nation.

Tribal enrollment of father by Intermarriage Tribal enrollment of mother Blood

Postoffice Durant I T

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Vanna D Potts, on oath state that I am ..... years of age and a citizen by Blood, of the Choctaw Nation; that I am the lawful wife of William G Potts, who is a citizen, by Intermarriage, of the Choctaw Nation; that a male [Male or Female] child was born to me on 24th day of February, 1906; that said child has been named Joe Austin Potts and was living March 4, 1906.

Vanna D Potts

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 4th day of June 1906.

Seal

A W Lyle
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, J Lewis Austin, a Physician, on oath state that I attended on Mrs. Vanna D Potts wife of William G Potts on the 24th day of February 1906; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Joe Austin Potts

J Lewis Austin

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 3rd day of June 1906.

Seal

A W Lyle
Notary Public.

23-1021.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

- - - - - - - - -

In the matter of the applications for the enrollment of Sam W. Potts and Joe Austin Potts as citizens by blood of the Choctaw Nation.

-: D E C I S I O N :-

The record herein shows that on June 9, 1906, written applications were filed with the Commissioner to the Five Civilized Tribes for the enrollment of Sam W. Potts and Joe Austin Potts as citizens by blood of the Choctaw Nation.

The record herein further shows that the applicant, Sam W. Potts, was born on January 5, 1903; that the applicant, Joe Austin Potts was born February 24, 1906; that said applicants were living on March 4, 1906, and that they are the children of Varina D. Potts, an alleged citizen by blood of the Choctaw Nation, and William G. Potts, an alleged citizen by intermarriage of the Choctaw Nation.

The records in the possession of the Commissioner to the Five Civilized Tribes show that on April 11, 1906, the Department denied a petition praying for the enrollment of William G. Potts and Varina D. Potts as citizens of the Choctaw Nation in the case of Nancy L. Cunliff, et al.; that on June 15, 1906, there was filed in this office by Chilion Riley a motion to set aside the decision of the Department of April 11, 1906, as to certain of the petitioners, among whom are William G. Potts and Varina D. Potts; that said motion was forwarded to the Department on August 31, 1906.

I am, therefore, of the opinion that the applications for the enrollment of Sam W. Potts and Joe Austin Potts as citizens by blood of the Choctaw Nation, should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

AUG 1 - 1907

23-1021

COPY

Muskogee, Indian Territory, February 19, 1907.

William C. Potts,

Durant, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 19, 1907, denying the application for the enrollment of of Sam W. Potts and Joe Austin Potts as citizens by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Registered.

Incl. 23-1021

23-1021

COPY

Muskogee, Indian Territory, February 19, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 19, 1907, denying the application for the enrollment of Sam W. Potts and Joe Austin Potts as citizens by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Dixby

Commissioner.

Incl. 23-1021

C

COPY

Muskogee, Indian Territory, February 19, 1907.

The Honorable,

The Secretary of the Interior:

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Sam W. Potts and Joe Austin Potts as citizens by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, denying said application.

Respectfully,

SIGNED Tams Bixby

Commissioner.

2 Incl.

Through the
Commissioner of Indian Affairs.

D.C.12634
L.R.S.

J.P.
O.K.

DEPARTMENT OF THE INTERIOR,
WASHINGTON,

I. T. D.
6076, 6096, 6126, 6148-07.
6162, 6778, 6808, 6852-08.
6836, 6848, 6842, 6844-07.
6880, 6852, 6856, 6858-07.
6866, 6870, 6862, 6864-07.
6894, 6900, 6880, 6884-07.
6888, 6904, 6906, 6908-07.

March 2, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

Title of Case.	Date of Your Letter of Transmittal.
Cyrs Richardson, Jr., (Freedman),	February 14, 1907.
Ernest and Willie Lee Draper (Freedmen),	February 14, 1907.
Mary Norris Clayton,	February 19, 1907.
Alexander Harland, (Freedman),	February 13, 1907.
Earnest and Louis Fields (Freedmen),	February 13, 1907.
Claud Wald Thompson (Freedman),	February 13, 1907.
Levie Freeny (Freedman)	February 13, 1907.
Kate D. Johnson (Miss. Choc.)	February 20, 1907.
John Littlejohn et al. (Freedmen),	February 23, 1907.
Tobias Louis and James Russell (Freedmen),	February 19, 1907.
Hickman Hensley (Freedman),	February 18, 1907.
Mary Plummer,	February 14, 1907.
Enoch Alton Calloway,	February 21, 1907.
Riley Cole (Freedman)	February [illegible], 1907.
Albert F. and Edith Ford,	February 21, 1907.
Hannah Estella Autrey et al.,	February 21, 1907.
Paul James,	February 21, 1907.

Title of Case.	Date of Your Letter of Transmittal.
Frances and Viola Brannon (Freedmen),	February 14, 1907.
Mattie Smith (Freedman),	February 19, 1907.
Ora Williams (Freedman),	February 25, 1907.
William J. Manley,	February 21, 1907.
Vera and Nora Blocvens,	February 18, 1907.
Annie Harkins (Freedman),	February 14, 1907.
Francis York,	February 21, 1907.
J. W. Huffman, et al.,	February 15, 1907.
Sam W. and Joe A. Potts,	February 19, 1907.
Eva Wright,	November 20, 1906?
Thomas H. Starks, (intermarried)	February 19, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

28 inc. and 86 inc.
for Indian Office.

W.C.J.
3-3-07.

LAND
18340-1907.

--Copy--

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby, dated February 19, 1907, transmitting the record relative to the application of Sam W. and Joe A. Potts for enrollment as citizens by blood of the Choctaw Nation, including the decision of the Commissioner, dated February 19, 1907, adverse to the applicants.

The decision of the Commissioner has been examined and found to be correct, and the same is therefore recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HFD-EH.

83-1021.

Muskogee, Indian Territory, April 2, 1907.

William C. Potts,

Durant, Indian Territory.

Dear Sir:

You are hereby advised that on March 2, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered February 19, 1907, denying the application for the enrollment of Sam W. Potts and Joe Austin Potts as citizens by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

23-1021

Muskogee, Indian Territory, April 2, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 2, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered February 19, 1907, denying the application for the enrollment of Sam W. Potts and Joe Austin Potts as citizens by blood of the Choctaw Nation.

Respectfully,

Acting Commissioner.

7-3592

Muskogee, Indian Territory, June 13, 1906.

Chilion Riley,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 8, 1906, inclosing affidavits of Varina D. Potts and Mrs. M. M. Coon to the birth of Sam F. Potts, child of William G. and Varina D. Potts, January 5, 1903; also affidavits of Varina D. Potts and J. Lewis Austin to the birth of Joe Austin Potts, child of William G. and Varina D. Potts, January 24, 1906.

Respectfully,

Commissioner.

Choc. Minor 1022

Sampson Simpson
Lucille "
Cullins "

M1022

1022

MINOR

CHOCTAW

ENROLLMENT

SAMPSON SIMPSON
LUCILE "
CULLINS "

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26. 190

Jan 7 1903

Referred
Feb 16 1907

Record Forwarded to Assistant
Feb 16, 1907

Copy of Decision Forwarded
Applicant
Feb 16, 1907

Copy of Decision Forwarded
Attorney for Applicant.
Feb 16, 1907

Copy of Decision Forwarded
Attorney for Choctaw and
Chickasaw Nations
Feb 16 1907

1022

7-6051

23-1022.

COPY

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the aplic ation for the enrollment of Katie Simpson, et al., as citizens by blood of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that application was duly made for the enrollment of Katie Simpson as a citizen by blood of the Choctaw Nation within the time limited by the provisions of Section One of the Act of Congress approved April 26, 1906 (34 Stats., 137), and that application was made for the enrollment of Sampson Simpson, Lucile Simpson and Cullins Simpson as citizens by blood of said nation under the provisions of Section Two of said Act.

It further appears from the record herein that the applicant, Katie Simpson, was born in about the year 1866, and claims her right to enrollment as a citizen by blood of the Choctaw Nation by reason of being the daughter of one Jimson Jones, an alleged Choctaw by blood. The other applicants herein are the minor children of said Katie Simpson, and James Simpson, a non-citizen.

It does not appear from the record herein or from the records in the possession of this office that any of the applicants herein has ever been recognized or enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by any duly constituted authority.

I am, therefore, of the opinion that the application for the enrollment of Katie Simpson as a citizen by blood of the Choctaw Nation should be denied, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats), 495), and July 1, 1902 32 Stats., 641), and it is so ordered.

I am further of the opinion that the applications for the enrollment of Sampson Simpson, Lucile Simpson and Cullins Simpson as citizens by blood of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

SIGNED Tams Bixby
Commissioner.

Muskogee, Indian Territory.

FEB 16 1907

Memo. 161.

Muskogee, Indian Territory, August 18, 1906.

James Simpson,

Fort Smith, Arkansas.

Dear Sir:-

Receipt is hereby acknowledged of the affidavits of Kate Simpson to the birth of Cullins Simpson, Sampson Simpson and Lucile Simpson, children of James and Kate Simpson, March 22, 1894, March 20, 1890 and March 22, 1892, respectively.

Receipt is also acknowledged of the affidavit of J. G. Thomas to the birth of Samson Stimson September 2, 1891, and William C. Stimson and Lucile Stimson March 20, 1894.

Respectfully,

Commissioner.

Choc. Minor 1023

Julian Caesar Rockett

M1023

1023

MINOR

CHOCTAW

ENROLLMENT

JULIAN CAESAR ROCKETT

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26, 1906

DISMISSED FEB 28 1907

1023

NEW BORN #1023

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Julian Carson Rackett

as a citizen of

Choctaw **Nation.**

Approved ..... 190...

.....

Commissioner.

Born June 24, 1904

ACT OF CONGRESS APPROVED APRIL 26, 1906.

DEPARTMENT OF THE INTERIOR

COMMISSIONER FOR THE

FILED

MAY 16 1906

COMMISSIONER

CHOCTAW

N° 6

RECEIVED

MAY 11 1906

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Julian Caesar Rockett [Here insert name of child], born on the 24th day of June, 1904

Name of Father: Louis Rockett a citizen of the Choctaw Nation.

Name of Mother: Ida M. Rockett a citizen of the Choctaw Nation.

Tribal enrollment of father Choctaw Tribal enrollment of mother Choctaw

Postoffice Hilburton, Indian Territory.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Ida M. Rockett on oath state that I am thirty years of age and a citizen by blood of the Choctaw Nation; that I am the lawful wife of Louis Rockett, who is a citizen, by Intermarriage, of the Choctaw Nation; that a male [Male or Female] child was born to me on 24th day of June, 1904.; that said child has been named Julian Caesar Rockett, and was living March 4, 1906.

Ida M. Rockett

WITNESSES TO MARK:

[Must be Two Witnesses] .....

.....

Subscribed and sworn to before me this 8th day of May, 1906.

My commission expires 3/28/-09

Clifford Perry
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, E. Reynolds a Physician, on oath state that I attended on Ida M. Rockett, wife of Louis Rockett, on the 24th day of June, 1904.; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Julian Caesar Rockett

E. Reynolds M. D.

WITNESSES TO MARK:

[Must be Two Witnesses] .....

.....

Subscribed and sworn to before me this 8th day of May, 1906.

My commission expires 3/28/-09

Clifford Perry
Notary Public.

Choctaw No.
1023.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Julian Caesar Rockett as a citizen by blood of the Choctaw Nation.

STATEMENT AND ORDER.

The record in this case shows that on May 11, 1906 application was received at this office for the enrollment as a citizen by blood of the Choctaw Nation of Julian Caesar Rockett under the Act of Cpngress approved April 26, 1906 (34 Stats. 137).

The evidence in this case shows that the said Julian Caesar Rockett was born June 24, 1904; was living March 4, 1906, and is the child of Louis Rockett whose name appears upon the roll of citizens by intermarriage of the Choctaw Nation opposite No. 794 thereof, and of Ida M. Rockett an adopted white woman, whose name appears upon the roll of citizens by blood of the Choctaw Nation opposite roll No. 15972 thereof.

Section 2 of the Act of April 26, 1906 (34 Stats. 137), provides in part as follows:

> "That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof, and for the purpose of enrollment under this section illegitimate children shall take the status of the mother, and allotments may be made to children so enrolled."

Said section was amended by the Act of June 21, 1906 (34 Stats.325), by the addition of the following proviso:

> "Provided further, That nothing herein shall be construed so as hereafter to permit any person to file an application for enrollment or to be entitled to enrollment in any of said tribes, except for minors the children of Indians by blood, or of freedmen members of said tribes, or of Mississippi Choctaws identified under the fourteenth article of the treaty of eighteen hundred and thirty, as herein otherwise provided, and the fact that the name of a person appears on the tribal roll of any of said tribes shall not be construed to be an application for enrollment"

I am therefore, of the opinion that under the provisions of said acts I am without authority to receive or consider said application for the enrollment of said applicant Julian Caesar Rockett as a citizen by blood of the Choctaw Nation, and that his application should be dismissed, and it is so ordered.

COMMISSIONER.

Muskogee, Indian Territory,
FEB 3 1906.

1023.

Muskogee, Indian Territory, March 5, 1907.

Louis Rockett,

Wilburton, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on February 28, 1907, rendered his decision dismissing the application for the enrollment of Julian Caesar Rockett as a citizen by blood of the Choctaw Nation.

Respectfully,

,GNED Tams Bixby

Registered.

Commissioner.

1023.
Cho.

Muskogee, Indian Territory, March 5, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that the Commissioner to the Five Civilized Tribes, on February 28, 1907, rendered his decision dismissing the application for the enrollment of Julian Caesar Rockett as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Choc. Minor 1024
Lois Lucile Ray

M1024

1024

MINOR

CHOCTAW

ENROLLMENT

LOIS LUCILE RAY

As citizen of the
CHOCTAW NATION
Act of Co[illegible]
Approved Apri[illegible]

Decision rendered June 1, 1907
Refused - June 1, 1907
Copy of decision furnished
applicant June 1, 1907
Copy of decision furnished
Attorneys for Choctaw and
Chickasaw Nations
June 7, 1907
Record forwarded to Department
June 7, 1907
Action approved by
Secretary of Interior
June 11, 1907
Notice of departmental action
forwarded Attorneys for
Choctaw and Chickasaw
Nations April 13, 1907

(over) 1024


Notice of dispositions to be
taken on small appeals
April 15

NEW BORN #1024

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Lois Lucile Ray

as a citizen of

Choctaw Nation.

Approved..... 190...

.....

Commissioner.

Born June 24, 1904
Act of Congress approved April 26, 1906
Department of the Interior
Commissioner to the Five
Civilized Tribes
F I L E D MAY 25 1906
Tams Bixby, Commissioner

Choctaw Received May 22, 1906
N. B. 1024

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Lois Lucile Ray [Here insert name of child], born on the 24th day of June 1904

Name of Father: John M. Ray a citizen of the United States ~~Nation~~;

Name of Mother: Mary P. Ray a citizen of the Choctaw Nation.

Tribal enrollment of father ..... Tribal enrollment of mother Choctaw

Postomce Kittie I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
CENTRAL District. }

I, Mary P. Ray, on oath state that I am 30 years of age and a citizen by blood, of the Choctaw Nation; that I am the lawful wife of John M. Ray, who is a citizen, by ....., of the United States ~~Nation~~; that a female [Male or Female] child was born to me on 24th day of June, 1904.; that said child has been named Lois Lucile Ray and was living March 4, 1906.

mary P. Ray

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 21st day of May 1906.

(SEAL) C. M. Crowell
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, A Stephanson, a Physician, on oath state that I attended on Mary P. Ray, wife of John M. Ray on the 24th day of June, 1904.; that there was born to her on said date a female [Male or Female] child: that said child was living March 4, 1906, and is said to have been named Lois Lucile Ray

A Stephenson M. D.

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 21st day of May 1906.

(SEAL) C. M. Crowell
Notary Public.

23-1024.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-:0:-

In the matter of the application for the enrollment of Lois Lucile Ray as a citizen by blood of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that on May 22, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Lois Lucile Ray as a citizen by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records of this office that Lois Lucile Ray was born June 24, 1904 and is the daughter of Mary P. Ray, whose application for enrollment as a citizen by blood of the Choctaw Nation was dismissed by the Commission to the Five Civilized Tribes, September 20, 1904 in accordance with the opinion of the Acting Attorney General dated May 9, 1904, (1.T.D. 3824-1904) and the opinion of the Assistant Attorney General dated July 30, 1904 (1.T.D. 5246-1904) and John M. Ray, a non-citizen.

I am of the opinion that the applicant, Lois Lucile Ray, is not entitled to enrollment as a citizen by blood of the Choctaw Nation and that the application for her enrollment as such should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137) and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

23-1024

Muskogee, Indian Territory, January 9, 1907.

John M. Ray,

Kittie, Indian Territory.

Dear Sir:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Lois Lucile Ray as a citizen by blood of the Choctaw Nation.

The decision , with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Registered.
23-1024.

23-1024.

Muskogee, Indian Territory, January 9, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Lois Lucile Ray as a citizen by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

23-1024.

Commissioner.

Muskogee, Indian Territory, January 9, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Lois Lucile Ray as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 9, 1907, denying said application.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

23-1024.

D. C. 12308-1907. JP.
S. P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. March 1, 1907.

LRS.
I. T. D.
8084,5128,5130,5144,5292-1907.
5296,5310,5326,5330,5360- "
5392,5412,5446,5474,5494- "
5500,5504,5506,5512,5516- "
5550,5574,5580,5584,5586- "
5588,5592,5596,5604,5614- "
5610,5640,5616,5628,5638- "
5362-1907. 11246-1906.
DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of your letter of transmittal.
Bonnie Edmondson	January 16, 1907.
Josephine Lebun, et al.,	February 9, 1907.
Asro Allen Harvey, et al., (freedmen)	February 7, 1907.
Jodie Lee Hancock,	February 6, 1907.
James Louis Rogers, et al.,	January 28, 1907.
Porter Buckner (freedman)	February 8, 1907.
Esther James (freedman)	February 8, 1907.
Nelsie Butler, et al.,	February 7, 1907.
Verna Dunlap, et al.,	January 28, 1907.
Betty Prince, et al.,	June 26, 1906.
Dave Newby, et al.,	January 29, 1907.
John Henry Sanders, et al., (freedmen)	January 26, 1907.
Lois Lucile Ray	January 9, 1907.
Birskin Parks, et al.,	January 11, 1907.
David B. Tidwell, et al.,	January 9, 1907.
A. J. Crowson, et al.,	January 25, 1907.
Ader Williams, et al. (freedmen)	February 8, 1907.

Title of Case.	Date of your letter of transmittal.
Mary Mowry	January 26, 1907.
Edith Paul, et al.,	January 26, 1907.
Willie J. Walker, et al.,	January 4, 1907.
Martha McCoy (freedman)	January 31, 1907.
Thomas Virgil Bottoms, et al.,	January 9, 1907.
Augustus Burris (freedman)	February 8, 1907.
James Wilson Welch	January 28, 1907.
Vara L. Dillard	January 26, 1907.
Sannie Morris (freedman)	February 8, 1907.
Cheesteenie Pearce	December 24, 1906.
Alta A. Brown, et al.,	January 29, 1907.
William Henry Riddle	January 26, 1907.
Lula Bouton Bond, et al.,	December 22, 1906.
Yamina Nand Carrol	January 28, 1907.
Esther Erwin, et al.,	November 10, 1906.
Harrison Robison	December 24, 1906.
George Robinson, et al.,	December 24, 1906.
Carvenia Clark	November 10, 1906.
James King	January 28, 1907.
Nettie Brown, et al.,	June 15, 1906.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

37 inclosures, and
74 to Ind. Of.
Atty.
3-1-07.

INDIAN OFFICE LETTER NOT INCLOSED.

23-1094 Indian Office letter not inclosed.

Muskogee, Indian Territory, April 13, 1907.

John M. Ray,

Kittie, Indian Territory.

Dear Sir:

You are hereby advised that on March 1, 1907, the Secretary of the Interior affirmed the decision of this office of January 9, 1907, denying the application for the enrollment of Lois Lucile Ray as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

ACTING Commissioner.

3-1904

Muskogee, Indian Territory, April 13, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 1, 1907, the Secretary of the Interior affirmed the decision of this office of January 9, 1907, denying the application for the enrollment of Lois Lucile Ray as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

ACTING Commissioner.

7-4279

Muskogee, Indian Territory, May 24, 1906.

Mary P. Ray,

Kitty, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your affidavit and the affidavit of A. Stephenson M. D., to the birth of Lois Lucile Ray, daughter of John M. and Mary P. Ray, June 24, 1904.

Respectfully,

Acting Commissioner.

Choc. Minor 1025
Marvin R. Stanphill
Ada M. "

M1025

1025

MINOR

CHOCTAW

ENROLLMENT

MARVIN R. STANFILL

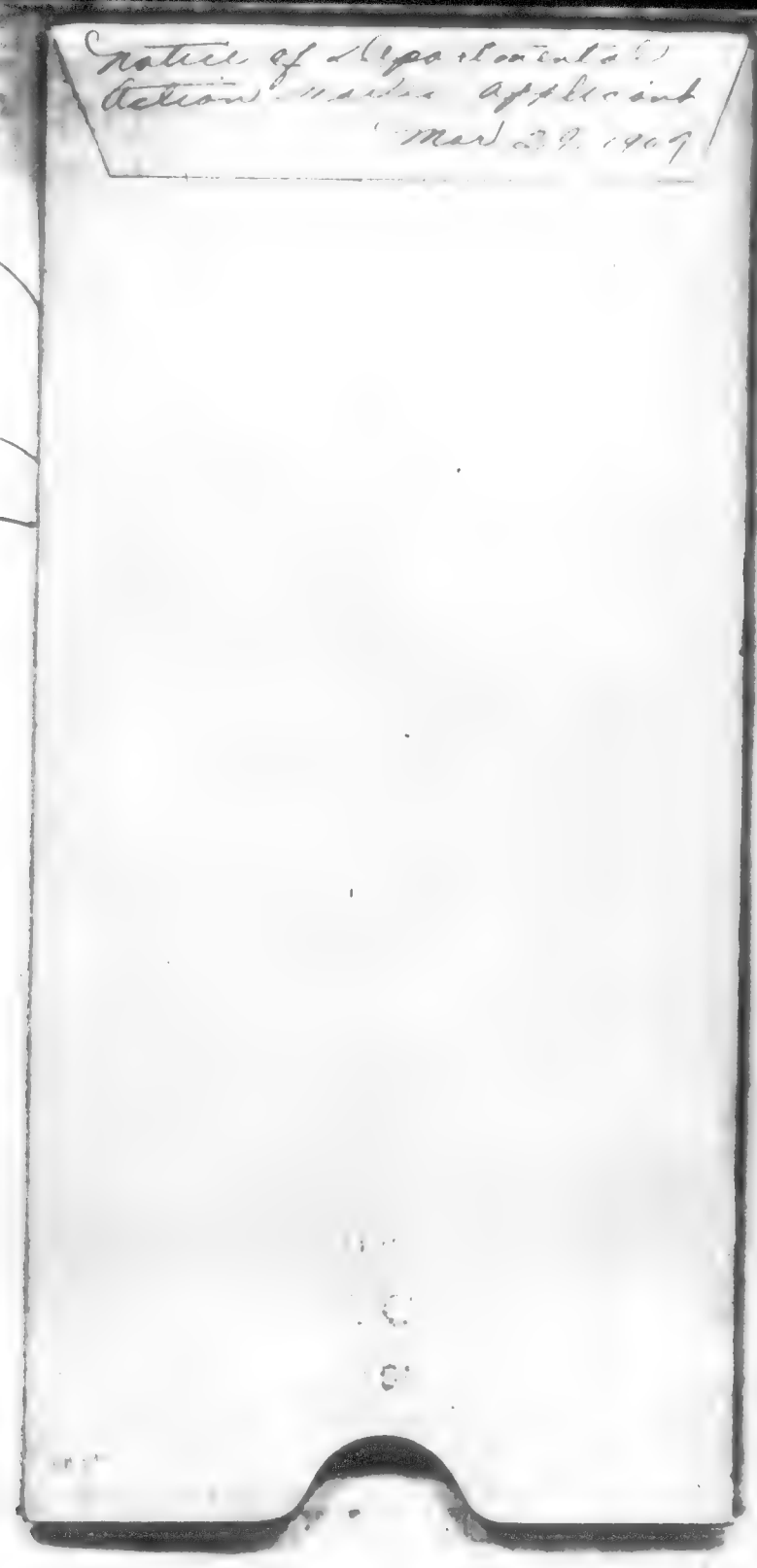
ADA M. "

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26 1906

Decision rendered Jan 1, 1907
Referred Jan 1, 1907
Copy of decision to Dr
Application Jan 1, 1907
Copy of decision to Dr
attorneys for Choctaw and
Chickasaw Nations
Jan 1, 1907
Record forwarded to Department
Jan 1, 1907
Action approved by
Secretary of Interior
March 1, 1907
Notice of approval and
date forwarded to attorneys
for Choctaw and Chickasaw
Nations March 21, 1907

1025

(over)


Nature of Departmental
Actions under appeal
Mar 29. 1909

NEW BORN # 1025

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....Marvin R Stanphill.....

as a citizen of

.....Choctaw..... Nation.

Approved..... ..... 190...

.....

Commissioner.

Born May 17, 1903

Act of Congress approved April 26, 1906
Department of the Interior
Commissioner to the Five
Civilized Tribes
F I L E D JUN 19, 1906
Tams Bixby, Commissioner
Choctaw received Jun 12 1906
N. B. 1025

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the ..... Choctaw ..... Nation,

of Marvin R Stanphill [Here insert name of child] ..... born on the 17 ..... day of ..... May ..... 903 ..

Name of Father: Charles E Stanphill ..... a citizen of the ..... Choctaw ..... Nation.

Name of Mother: Adell 1 Stanphill ..... a citizen of the ..... Choctaw ..... Nation.

Tribal enrollment of father Choctaw Nation ..... Tribal enrollment of mother. Choctaw Nation ..

Postoffice ..... Boggy Depot Dis 23 Ind T .....

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
..... Central ..... District.

I, ... Adell 1 Stanphill ....., on oath state that I am ..... 34 .....

years of age and a citizen by Adoption ....., of the ..... Choctaw N ..... Nation;

that I am the lawful wife of ..... Charles E Stanphill ....., who is a citizen, by

..... Blood ....., of the ..... Choctaw ..... Nation; that a Male [Male or Female] ..... child was

born to me on ..... 17 ..... day of ..... May ..... 1903 ..; that said child has been named

..... Marvin R Stanphill ..... and was living March 4, 1906.

her
..... Adell 1 x Stanphill .....
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { W H Hill ..... / E. P. Burwan .....

Subscribed and sworn to before me this ..... 9 ..... day of ..... June ..... 1906.

..... S. C. Hieronymus (SEAL) .....
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
..... Central ..... District.

I, ... Avia Crowel ....., Midwife ....., on oath state that I

attended on ..... Adell 1 Stanphill ....., wife of ..... Charles E Stanphill .....

on the ..17 ..... day of ..May ..... 1903 ; that there was born to her on said date a ..... Male .....
[Male or Female]

child; that said child was living March 4, 1906, and is said to have been named ..Marvin R Stanphill...

.....

..... M. A. Crowell .....

WITNESSES TO MARK:

[Must be Two Witnesses] { ..... / .....

Subscribed and sworn to before me this ..... day of ..... 1906.

....
Notary Public.

NEW BORN #1025

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Ada M Stanphill

as a citizen of

Choctaw **Nation.**

Approved ..... **190**...

.....

Commissioner.

Born Oct. 28, 1905
Act of Congress approved April 26, 1906.

Department of the Interior
Commissioner to the Five
Civilized Tribes.
F I L E D JUN 19, 1906
Tams Bixby, Commissioner.

Choctaw Received Jun 12, 1906
N. B. 1025

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Ada M. Stanphill [Here insert name of child] born on the 28 day of October 1905

Name of Father: Charles E Stanphill a citizen of the Choctaw Nation.

Name of Mother: Adell I Stanphill a citizen of the Choctaw Nation.

Tribal enrollment of father Choctaw Nation Tribal enrollment of mother Choctaw Nation.

Postoffice Boggy Depot Dis 23 Ind T

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Adell I Stanphill, on oath state that I am 34 years of age and a citizen by Adoption, of the Choctaw Nation; that I am the lawful wife of Charles E Stanphill, who is a citizen, by Blood, of the Choctaw Nation; that a Female [Male or Female] child was born to me on 28 day of October 1905; that said child has been named Ada M. Stanphill, and was living March 4, 1906.

her
Adell I x Stanphill
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { R Sullivan
Everett Tahiny

Subscribed and sworn to before me this 9 day of June 1906.

S. C. Hieronymus
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

Betty Deason, a Midwife, on oath state that I attended on Adell I Stanphill, wife of C. E. Stanphill, on the 28 day of October 1905; that there was born to her on said date a Female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Ada M Stanphill

Bettie Deason

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this ..... day of ..... 1906.

.....
Notary Public.

23-1025.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-:O:-

In the matter of the application for the enrollment of Marvin R. Stanphill and Ada M. Stanphill as citizens by blood of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that on June 12, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Marvin R. Stanphill and Ada M. Stanphill as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that Marvin R. Stanphill and Ada M. Stanphill were born May 17, 1903 and October 28, 1905 respectively and are the children of Charles M. Stanphill, who was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on March 28, 1904 in case No. 116 on the South McAlester Docket thereof and Adell I. Stanphill, a non-citizen white woman.

I am of the opinion that the applicants, Marvin R. Stanphill and Ada M. Stanphill, are not entitled to enrollment as citizens by blood of the Choctaw Nation and that the application for their enrollment as such should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137) and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

23-1025

Muskogee, Indian Territory, January 9, 1907.

Charles E. Stanphill,

Boggy Depot, Indian Territory.

Dear Sir:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Marvin R. Stanphill and Ada M. Stanphill as citizens by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Registered.
23-1025.

23-1025.

Muskogee, Indian Territory, January 9, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Marvin R. Stanphill and Ada M. Stanphill as citizens by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the Same.

Respectfully,

23-1025. Commissioner.

Muskogee, Indian Territory, January 9, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Marvin R. Stanphill and Ada M. Stanphill as citizens by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 9, 1907, denying said application.

Respectfully,

Tams Bixby

Commissioner.

Through the
Commissioner of Indian Affairs.
23-1025.

J.P.

LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

DC-12435-1907.
I.T.D.4974,4980,4988,4996,5006-07.
5016,5024,5182,5196,5478- "
5518,5534,5536,5538,5543- "
5544,5552, - "

March 1, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw enrollment cases adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
Dora Anderson (or Tecubbe)	February 9, 1907
Mattie Evans, et al.,	January 16, 1907
Marvin R. Stamphill and Ada M. Stamphill	January 9, 1907
Eula Gladys Beach,	January 16, 1907
John Keaton, et al.,	January 18, 1907
Okla Vivian Belling,	December 1, 1906
Edward Faifeh,	December 1, 1906
Robert Lee Nolan, et al., (Freedmen)	February 9, 1907
Harvey Stover and Hazel Stover,	January 8, 1907
Mary Ransom, (Freedman)	January 10, 1907
Frank Bynum,	January 26, 1907
Ira T. Brown,	January 10, 1907
Richard Colbert, (Freedman)	February 9, 1907
Mattie Alice and Wm. Robert Strickland,	January 4, 1907
Monty Sanders,	December 1, 1906
Emeline G. Adams, et al., (Miss. Choc.)	January 25, 1907
Jesse Bellinger, et al.,	December 24, 1906

Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed, are inclosed.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

17 ins. and 34 for Ind. Of.

AWSS
3-21-07

-Copy-

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

DC-12435-1907
Land
3902-1907

February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 9, 1907, transmitting the record relative to the application of Marvin K. Stanphill, et al., for enrollment as citizens by blood of the Choctaw Nation.

On June 12, 1906, application was made to the Commissioner for the enrollment of Marvin R. and Ada M. Stanphill as citizens by blood.

On January 9, 1907, the Commissioner held that the applicants were not entitled to enrollment.

The record shows that the applicants are the minor children of Adell I. Stanphill, a non-citizen, and Charles E. Stanphill who was denied enrollment as a citizen by blood of the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on March 28, 1904, in case No. 116.

The case does not come within the decision of the Department of February 10, 1905 (I.T.D. 10353-1904), in the case of Loula West, as neither of the parents of the applicants had a tribal status in 1896.

In view of the provisions of Section 2 of the Act of April 26, 1906 (34 Stat. L., 137), the decisions of the Commissioner adverse to the applicants is recommended for approval.

Very respectfully,
C. F. Larrabee,
Acting Commissioner.

H.R.D. - ML

231025

Muskogee, Indian Territory, March 29, 1907.

Charles E. Stanphill,

Boggy Depot, Indian Territory,

Dear Sir:

You are hereby advised that on March 1, 1907, the Secretary of the Interior affirmed the decision of this office of January 9, 1907, denying the application for the enrollment of Marvin R. Stanphill and Ada M. Stanphill as citizens by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

23- 1025

Muskogee, Indian Territory, March 29, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on March 1, 1907, the Secretary of the Interior affirmed the decision of this office of January 9, 1907, denying the application for the enrollment of Marvin R. Stanphill and Ada M. Stanphill as citizens by blood of the Choctaw Nation.

Respectfully,

Acting Commissioner.

7-3384

Muskogee, Indian Territory, June 16, 1906.

Charles E. Stanphill,

Boggy Depot, Indian Territory,

Dear Sir:

Receipt is hereby acknolwedged of the affidavits of Adell I. Stanphill and M. A. Cromell to the birth of Marvin R. Stanphill, May 17, 1903, also the affidavits of Adell I. Stanphill and Bettie Deason to the birth of Ada M. Stanphill, October 28, 1905, children of Charles E. and Adell I. Stanphill.

Respectfully,

Commissioner.

Choc. Minor 1026
Lewis Sledge

M1026

1026

MINOR

CHOCTAW

ENROLLMENT

LEWIS SLEDGE

As Citizen

CHOCTAW NATION

Act of Congress

Approved

Decision Dawes Com. Jan. 1, 1907

Reference

Copy of application for enrollment

Copy of testimony taken before Dawes Commission

Children born subsequent to

Record of evidence submitted

Action approved by Secretary of Interior

Notice of allotment issued

Transferred to Choctaw and Chickasaw

Patent

1026

(over)

Notice of Experimental
Actions - ... applicant
Apr 15, 1941

NEW BORN # 1026

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....Lewis Sledge.....

as a citizen of

Choctaw
..... Nation.

Approved..... 190...

.....

Commissioner.

Born Feb 5, 1905
Act of Congress approved April 26, 1906.
Department of the Interior
Commissioner to the Five
Civilized Tribes.
F I L E D MAY 10 1906
Tams Bixby, Commissioner.

Choctaw received May 8, 1906.
N. B. 1026

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Lewis Sledge [Here insert name of child], born on the 5 day of February 1905.

Name of Father: William M Sledge, a citizen of the Choctaw Nation.

Name of Mother Mattie Sledge, a citizen of the Choctaw Nation.

Tribal enrollment of father ..... Tribal enrollment of mother .....

Postoffice Velma I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, Mattie Sledge, on oath state that I am 28 years of age and a citizen by intermarriage of the Choctaw Nation; that I am the lawful wife of William M. Sledge, who is a citizen, by blood, of the Choctaw Nation; that a Male [Male or Female] child was born to me on 5 day of February 1905.; that said child has been named Lewis Sledge and was living March 4, 1906.

her
Mattie x Sledge
mark

WITNESSES TO MARK:

[Must be Two Witnesses]
O. R. McKinney
Frank Jones

Subscribed and sworn to before me this 7th day of May 1906.

(SEAL)

J. R. Prentice
Notary Public.

My Commission expires Jan. 12, 1907

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, A. N. Shrader, a physician, on oath state that I attended on Mattie Sledge, wife of William M Sledge, on the 5 day of Feby 905.; that there was born to her on said date a Male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Lewis Sledge

A. N. Shrader M. D.

WITNESSES TO MARK:

[Must be Two Witnesses]
R. E. Campbell
O. R. McKinney

Subscribed and sworn to before me this 7th day of May 1906.

(SEAL)

J. R. Prentice
Notary Public.

My Commission expires Jan 12 1907.

23-1026.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-:0:-

In the matter of the application for the enrollment of Lewis Sledge as a citizen by blood of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that on May 8, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Lewis Sledge as a citizen by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that Lewis Sledge was born February 5, 1905 and is the son of William M. Sledge and his wife, Mattie Sledge, both of whom were denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on October 20, 1904 in case No. 127 on the Tishomingo Docket thereof.

I am of the opinion that the applicant, Lewis Sledge, is not entitled to enrollment as a citizen by blood of the Choctaw Nation and that the application for his enrollment as such should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137) and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

MAY 7

23-1026

Muskogee, Indian Territory, January 9, 1907.

William Sledge,

Velma, Indian Territory.

Dear Sir:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Lewis Sledge as a citizen by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Registered.
23-1026.

23-1026

Muskogee, Indian Territory, January 9, 1907.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Lewis Sledge as a citizen by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

23-1026.

Muskogee, Indian Territory, January 9, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Lewis Sledge as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 9, 1907, denying said application.

Respectfully,

Commissioner.

Through the Commissioner of
Indian Affairs.

23-1026.

JP.
D. C. 12436-1907. FMR.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. February 28, 1907.

I. T. D.
4856,4876,4882,4884,4886-07.
4972,4978,4986,4992,5002-"
5008, 5014,5094,5100,5112-"
5122,5096, -"
LRS.
DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following citizenship cases adverse to the applicants are hereby affirmed, viz:

Title of Case.	Date of your letter of transmittal.
Merrill and Elizabeth Jackson (Freedmen)	February 2, 1907.
Teddy Boon Brown,	January 10, 1907.
Clarence R. Pickens,	January 9, 1907.
Dallas Edgar Betts,	November 28, 1906.
Bettie May Brimage,	November 28, 1906.
Cicero Henry Barnard,	December 21, 1906.
James Jackson,	November 8, 1906.
Charles M. Avery (Intermarried)	January 16, 1907.
Lewis Sledge,	January 9, 1907.
Dick Woodall, et al.,	January 26, 1907.
Willie O. and Samuel S. McFadden,	January 16, 1907.
Ernest L. Worthy, et al.,	December 1, 1906.
Frank Wise, et al.,	January 30, 1907.
Matty Dell Louise McCarty,	January 14, 1907.
Willis Edmond Segroves,	January 23, 1907.
Jack Fulton,	December 21, 1906.
Lawrence Sheals, (freedman)	February 9, 1907.

Copies of Indian Office letters submitting your reports and recommending that the decisions be approved, are inclosed.

A copy hereof and all the papers in the above-mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

17 inc. and
34 for Ind. Of.
AFWo.
3-1-07.

Land
3900-1907.

(COPY)

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

February 25, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 9, 1907, transmitting the record relative to the application of Lewis Sledge for enrollment as a citizen by blood of the Choctaw Nation.

On May 8, 1906, application was made to the Commissioner for the enrollment of Lewis Sledge as a citizen by blood.

On January 9, 1907, the Commissioner held that the applicant was not entitled to enrollment.

The record shows that the applicant is the minor son of William M. and Mattie Sledge, who were denied enrollment as citizens by blood of the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on October 20, 1904, in case No. 127. The case does not come within the decision of the Department of February 10, 1905 (I.T.D. 10353-1904), in the case of Loula West, as neither of the parents of the applicant had a tribal status in 1896. In view of the provisions of Section 2 of the Act of April 26, 1906 (34 Stat.L.,137), the decision of the Commissioner adverse to the applicant is recommended for approval.

Very respectfully,
C. F. Larrabee,
Acting Commissioner.

HRB-Y

23-1026

Muskogee, Indian Territory, April 15, 1907.

William Sledge,

Velma, Indian Territory.

Dear Sir:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of January 9, 1907, denying the application for the enrollment of Lewis Sledge as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

23-1086

Muskogee, Indian Territory, April 15, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of January [redacted], 1907, denying the application for the enrollment of Lewis Sledge as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

REFER IN REPLY TO THE FOLLOWING

9-3314

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 9, 1906.

Mattie Sledge,

Velma, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your affidavit and the affidavit of A. W. Shrader M. D., to the birth of Lewis Sledge, son of William M. and Mattie Sledge, February 5, 1905.

Respectfully,

W. O. Beall

Acting Commissioner.

Choc. Minor 1027
Arizona Pearl Sanders

M1027

1027

MINOR

CHOCTAW

ENROLLMENT

ARIZONA PEARL SANDERS

As Citizen of the

CHOCTAW NATION

Act of Congress

Approved April 26. 1906

DECISION RENDERED JAN 9 1907

REFUSED JAN 9 1907

COPY OF DECISION FORWARDED
APPLICANT JAN 9 1907

Copy of Decision forwarded
Attorneys for Choctaw and
Chickasaw Nations Jan 9 1907

RECORD FORWARDED DEPARTMENT
JAN 9 1907

ACTION APPROVED BY
SECRETARY OF INTERIOR FEB 28 1907

Notice of Departmental Action
forwarded Attorneys for Choctaw
and Chickasaw Nations Apr 11 1907

Notice of Departmental Apr 11 1907
Action mailed applicant.

1027

N.B.# 1027.

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Arizona Pearl Sanders

as a citizen of

Choctaw Nation.

Approved..... 190...

.....

Commissioner.

Born June 13, 1904.
Act of Congress approved April 26, 1906.

Department of the Interior,
Commissioner to the Five Civilized Tribes

F I L E D

AUG 4, 1906.

Tams Bixby.

Choctaw N. B. 1027. Received Jul 20, 1906.

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Arizona Pearl Danders [Here insert name of child], born on the 13 day of June 1904.

Name of Father: James R. Sanders a citizen of the Choctaw Nation.

Name of Mother: Willie M. Sanders a citizen of the Nation.

Tribal enrollment of father Choctaw Tribal enrollment of mother

Postoffice Terral, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Willie M. Sanders on oath state that I am 24 years of age and a citizen by Enter Marriage the Chocktaw Nation; that I am the lawful wife of James R. Sanders, who is a citizen, by blood of the Chocktaw Nation; that a female [Male or Female] child was born to me on 13 day of June 1904; that said child has been named Arizona Pearl Sanders and was living March 4, 1906.

Willie M. Sanders

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 16 day of July 1906.

Jas. M. Stewart
Notary Public

(SEAL)

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
District. }

I, W. T. Euing, a Physician, on oath state that I attended on Willie M. Sanders, wife of James R. Sanders on the 13 day of June 1904; that there was born to her on said date a female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Arizona Paarl Sanders.

W. T. Euning, M. D.

WITNESSES TO MARK:

[Must be Two Witnesses] }

Subscribed and sworn to before me this 16 day of July 1906.

(SEAL)

Jas M. Stewart
Notary Public.

23-1027.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Arizona Pearl Sanders as a citizen by blood of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein that on July 20, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Arizona Pearl Sanders as a citizen by blood of the Choctaw Nation.

It further appears from the record herein and from the records of this office that Arizona Pearl Sanders was born June 13, 1904, and is the daughter of James R. Sanders who was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court November 29, 1904, in case No. 73, upon the Tishomingo Docket thereof, and Willie M. Sanders, a non-citizen.

I am of the opinion that Arizona Pearl Sanders is not entitled to enrollment as a citizen by blood of the Choctaw Nation and that her application for enrollment as such, should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

_____.

23-1027.

Muskogee, Indian Territory, January 9, 1907.

James R. Sanders,

Terral, Indian Territory.

Dear Sir:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Arizona Pearl Sanders as a citizen by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

23-1027.
Registered.

23-1027

Muskogee, Indian Territory, January 9, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Arizona Pearl Sanders as a citizen by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

23-1027.

Muskogee, Indian Territory, January 9, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Arizona Pearl Sanders as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 9, 1907, denying said application.

Respectfully,

SIGNED

Commissioner.

Through the
Commissioner of Indian Affairs.

23-1027.

D.C. 12438. J.P.

A

DEPARTMENT OF THE INTERIOR,

I.T.D. WASHINGTON. WHE.

4990, 5020, 5024, 5068, 5090-07.
5092, 5110, 5116, 5118, 5178.

February 28, 1907

LRS.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
Alfred Pybarn,	January 9, 1907.
Frankie Buck,	January 9, 1907.
Arizona Pearl Sanders,	January 9, 1907.
Esther J. Buchanan,	January 16, 1907
James O. Bumley,	December 1, 1906
Jackson R. Lewis,	December 1, 1906
Dora J. Smith,	January 23, 1907
Mary Fitch	January 14, 1907
Jeff Sampson	January 21, 1907
Allen Wright, (Freedman)	January 23, 1907

Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed, are inclosed.

A copy hereof and all the papers in the above-mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

10 inc. and 20 for Ind. Of.

AFMc.
3-1-07.

Refer in reply to the following. 945
119 Copy.

DEPARTMENT OF THE INTERIOR,

Land.
3903-1907. OFFICE OF INDIAN AFFAIRS,

WASHINGTON. February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 9, 1907, transmitting the record relative to the application of Arizona P. Sanders for enrollment as a citizen by blood of the Choctaw Nation.

On July 20, 1906, application was made to the Commissioner for the enrollment of Arizona P. Sanders as a citizen by blood. On January 9, 1907, the Commissioner held that the applicant was not entitled to enrollment.

The record shows that the applicant is the minor daughter of Willie M. Sanders, a non-citizen, and James R. Sanders, who was denied enrollment as a citizen by blood of the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on November 29, 1904, in case No. 73. The case does not come within the decision of the Department of February 10, 1905 (I. T. D. 10353-1904), in the case of Loula West, as neither of the parents of the applicant had a tribal status in 1896.

Under the provisions of Section 2 of the Act of April 26, 1906 (34 Stat. L., 137), the decision of the Commissioner ad-

verse to the applicant is recommended for approval.

Very respectfully,

C.P. Larrabee,

Acting Commissioner.

HRD-Y:

23-1027

Muskogee, Indian Territory, April 11, 1907.

James R. Sanders,

Terral, Indian Territory.

Dear Sir:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of January 9, 1907, denying the application for the enrollment of Arizona Pearl Sanders as a citizen by blood of the Choctaw Nation.

Respectfully,

ACTING Geo. D. Rodgers.
Commissioner.

23-1027

Muskogee, Indian Territory, April 11, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of January 9, 1907, denying the application for the enrollment of Arizona Pearl Sanders as a citizen by blood of the Choctaw Nation.

Respectfully,

Acting Geo. D. Rodgers

Commissioner.

1
7-5093

Muskogee, Indian Territory, July 30, 1906.

James R. Sanders,

Terral, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of the affidavits of Willie M. Sanders and T. W. Ewing to the birth of Delmer Waldo Sanders and Arizona Pearl Sanders, children of James R. and Willie M. Sanders, August 29, 1902, and June 13, 1904, respectively.

Respectfully,

Commissioner.

Choc. Minor 1028
Katie Segroves

M1028

MINOR 1028

CHOCTAW

ENROLLMENT

KATIE SEGROVES

As Citizen of the

CHOCTAW NATION

Act of Congress

Approved April 26. 1906

DECISION RENDERED	JAN -8 1907
REFUSED	JAN -8 1907
COPY OF DECISION FORWARDED APPLICANT	JAN -8 1907
Copy of Decision Forwarded Attorneys for Choctaw and Chickasaw Nations	JAN -8 1907
RECORD FORWARDED DEPARTMENT	JAN -8 1907
ACTION APPROVED BY SECRETARY OF INTERIOR	FEB 28 1907
Notice of Departmental Action Forwarded Attorneys for Choctaw and Chickasaw Nations	APR 6 1907
Notice of Departmental Action Mailed Applicant	APR 6 1907

1028

NEW BORN 1028

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Katie Segrove

as a citizen of

Choctaw Nation.

Approved ..... 190...

.....

Commissioner.

Born Feb 3, 1905

Act of Congress approved April 26, 1906.
Department of the Interior
Commissioner to the Five
Civilized Tribes
F I L E D JUN 18, 1906
Tams Bixby, Commissioner.
Choctaw N. B. 1028 Received Jun 6, 1906.

BIRTH AFFIDAVIT. 149

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Katie Segroves [Here insert name of child] born on the 3rd day of February 1905

Name of Father: Sam Segroves a citizen of the Nation.

Name of Mother Elsie Segroves a citizen of the Nation.

Tribal enrollment of father Choctaw Tribal enrollment of mother

Postoffice Paoli Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
District. }

I, Elsie Segroves on oath state that I am Twenty Eight years of age and a citizen by , of the None Nation; that I am the lawful wife of Sam Segroves , who is a citizen, by blood , of the Choctaw Nation; that a female [Male or Female] child was born to me on 3rd day of February 1905; that said child has been named Katie Segroves and was living March 4, 1906.

Elsie Segroves

WITNESSES TO MARK:

[Must be Two Witnesses] {

Subscribed and sworn to before me this 4th day of June 1906.

(SEAL) J. E. Hillman

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
17th District. }

I, W. C. Hottle , a M. D on oath state that I attended on Elsie Segroves , wife of Sam Segroves , on the 3rd day of Feb 1905; that there was born to her on said date a Female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Katie Segroves

W. C. Hottle M. D.

WITNESSES TO MARK:

[Must be Two Witnesses] {

Subscribed and sworn to before me this 4th day of June 1906.

(SEAL) J. E. Hillman

Notary Public.

23-1028.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Katie Segroves as a citizen by blood of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein that on June 6, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Katie Segroves as a citizen by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that Katie Segroves was born February 3, 1905 and is the child of Sam Segroves, who (as Samuel Montgomery Segroves) was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on November 28, 1904 in case No. 75 on the Tishomingo Docket thereof and Elsie Segroves, a non-citizen.

I am of the opinion that the applicant, Katie Segroves, is not entitled to enrollment as a citizen by blood of the Choctaw Nation and that the application for her enrollment as such should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,
JAN - 3 1907

23-1028

COPY.

Muskogee, Indian Territory, January 8, 1907.

Sam M. Segreves,

Paoli, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 8, 1907, denying the application for the enrollment of Katie Segreves, as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secreary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl. 23--1028.

23-1028

Muskogee, Indian Territory, January 8, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 8, 1907, denying the application for the enrollment of Katie Segroves as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Incl. 23-1028.

COPY

Muskogee, Indian Territory, January 8, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Katie Segroves as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 8, 1907, denying the application.

Respectfully,

SIGNED [illegible]

Commissioner.

Through the
Commissioner of Indian Affairs.
2 Incl. 23-1028.

D.C.12437. J.F.
L.R.S. C.J.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I. T. D.
5080, 5146, 5148, 5190-1907.
5194, 5196, 5200, 5208, 1907.
5212, 5214, 5322, 5334, 1907.
5336, 5344, 5346, 5350-1907.
5388, 5394, 5442 -1907.

February 28, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of Your Letter of Transmittal.
Walter Neary Farris,	January 16, 1907.
Maggie Bell, et al.,	January 19, 1908.
Clarence Fisher (Freedman)	February 9, 1907.
Mary Ford, et al.,	November 9, 1907.
George M. Carpenter, et al.,	December 24, 1906
John Burditt, et al.,	December 21, 1906.
Katie Segreves,	January 8, 1907.
Dewey G. Cantrell,	October 19, 1906.
Earl Byron Wood, et al.,	January 17, 1907.
Ida Harrison (intermarried)	January 16, 1907.
Sarah E. Kiser, et al.,	February 8, 1907.
Paul Bewley et al.,	January 25, 1907.
Joseph G. Smith, et al.,	February 1, 1907.
Effie Rainey,	January 25, 1907.
Tennessee Beard (intermarried)	January 28, 1907.
Emma Perry (intermarried),	November 8, 1906.
Samuel C. Wall, et al.,	February 4, 1907.
Luella Hotchkin,	January 14, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

19 ins. and 48 ins.
for Ind. Off.

A.P.Mc.
3-1-07.

LAND
2972-1907.

Copy.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Katie Segroves as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilizedn Tribes, dated January 8, 1907, adverse to the applicant.

The record shows that on June 6, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of the applicant herein as a citizen of the Choctaw Nation.

The record further shows that the applicant, Katie Segroves, was born February 3, 1905, and is the childof Sam Segroves, who was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on November 28, 1904, and Elsie Segroves, a non-citizen.

This case does not come within the Lena West case approved by the Department February 10, 1906 (I.T.D. 10353-1904), as the applicant did not have a tribal status in 1896. By reason of the provisions of the Act of Congress approved April 26,

1906 (34 Stat.L.,137), the Office concurs in the decision ofnCommissioner Bixby denying the enrollment of Katie Segreves as a citizen of the Choctaw Nation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MFM-PH.

23-1020

Muskogee, Indian Territory, April 6, 1907.

Sam M. Segreves,

Paoli, Indian Territory.

Dear Sir:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of January 8, 1907, denying the application for the enrollment of Katie Segreves as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

23-1028

Muskogee, Indian Territory, April 6, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of January 8, 1907, denying the application for the enrollment of Katie Segroves as a citizen by blood of the Choctaw Nation.

Respectfully,

Acting Commissioner.

7-8002

Muskogee, Indian Territory, June 16, 1906.

Sam Segreves,

Paoli, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Elsia Segreves and W. C. Hottle M. D., to the birth of Katie Segreves, child of Sam and Kslie Segreves, February 3, 1905.

Respectfully,

Commissioner.

Choc. Minor 1029
Charles Walter Morrow

M1029

1029

MINOR

CHOCTAW

ENROLLMENT

CHARLES WALTER MORROW

As Citizen of the

CHOCTAW NATION

Act of Congress

Approved April 26. 1906

DECISION RENDERED JAN 9 1907

REFUSED JAN 9 1907

COPY OF DECISION FORWARDED APPLICANT JAN 9 1907

Copy of Decision Forwarded Attorneys for Choctaw and Chickasaw Nations JAN 9 1907

RECORD FORWARDED DEPARTMENT

JAN 9 1907

ACTION APPROVED BY SECRETARY OF INTERIOR FEB 28 1907

Notice of Departmental Action Forwarded Attorneys for Choctaw and Chickasaw Nations APR 10 1907

Notice of Departmental Action Mailed Applicant. APR 10 1907

1029

N.B. 1029.

217

IN RE
Application for Enrollment of
INFANT CHILD

Charles Walter

as a citizen of

Chocktaw Nation.

Approved 190

Commissioner.

Born Apr. 20, 1903.

Act of Congress appr. Apr. 26, 06.

Department of the Interior
Commissioner to the Five Civilized Tribes.

FILED
AUG. 4-06.
Tams Bixby, Commissioner.

Choctaw

N.B.1029

Received.
JUL 21, 1906.

BIRTH AFFIDAVIT.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Chocktaw Nation,

of Charles Walter (Here insert name of child), born on the 20 day of April, 1903

Name of Father: William F. Morrow a citizen of the Chocktaw Nation.

Name of Mother: Emma P. Morrow a citizen of the Chocktaw Nation.

Postoffice Paoli, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Southern DISTRICT.

I, Mother Deceased, on oath state that I am she was 19 years

years of age and a citizen by marriage, of the Chocktaw Nation;

that ~~I am~~ she the lawful wife of William F. Morrow, who is a citizen, by

blood, of the Chocktaw Nation; that a male (Male or Female.) child was

born to ~~me~~ her on the 20 day of April, 1903; that said child has been named

Charles Walter, and was living March 4, 1906.

Mother Deceased.

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this ____ day of ____, 190__.

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Southern DISTRICT.

I, Rebecca Morrow, a mid-wife, on oath state that I

attended on Mrs. Emma P. Morrow, wife of William F. Morrow

on the 20 day of April, 1903; that there was born to her on said date a male (Male or Female.)

child; that said child was living March 4, 1906, and is said to have been named Charles Walter

Rebecca Morrow

WITNESSES TO MARK:

(Must be Two Witnesses) J. L. True

E. R. McDonald.

Subscribed and sworn to before me this 20 day of July, 1906.

My Com. Exp. May 8, 1909.

(SEAL)

J. K. Davaney

Notary Public.

23-1029.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Charles Walter Morrow as a citizen by blood of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein that on July 21, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Charles Walter Morrow as a citizen by blood of the Choctaw Nation.

It further appears from the record herein and from the records in the possession of this office that Charles Walter Morrow was born April 20, 1903, and is the son of William F. Morrow, who was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court November 28, 1904, in case No. 75 on the Tishomingo Docket thereof, and Emma P. Morrow whose application for enrollment as a citizen by intermarriage of the Choctaw Nation was dismissed by the Commission to the Five Civilized Tribes January 21, 1905, said Emma P. Morrow claiming her right to enrollment as such through the said William F. Morrow.

I am of the opinion that Charles Walter Morrow is not entitled to enrollment as a citizen by blood of the Choctaw Nation and that his application for enrollment as such, should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,
JAN
_____.

23-1029

Muskogee, Indian Territory, January 9, 1907.

William F. Morrow,

Paoli, Indian Territory.

Dear Sir:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Charles Walter Morrow as a citizen by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Commissioner.

Registered.
23-1029.

23-1029

Muskogee, Indian Territory, January 9, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Charles Walter Morrow as a citizen by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

23-1029.

Muskogee, Indian Territory, January 9, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Charles Walter Morrow as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 9, 1907, denying said application.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

23-1029.

J.P.

O.K.

DEPARTMENT OF THE INTERIOR,

I.T.D. WASHINGTON.

4902,4966,5000,5010-1907.
5018,5022,5102,5138-1907.
5140,5142,5174,5180-1907.

February 28, 1907.

LRS.
DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed.

Title of Case.	Date of Your Letter of Transmittal.
Agnes May Mills,	November 27, 1906.
Sarah Bailiff (Freedman),	January 18, 1907.
Vero Wootten (Freedman),	January 26, 1907.
Floyed Goodson,	January 17, 1907.
Omer H.& Cecil R. Marr,	January 9, 1907.
Charles Walter Morrow,	January 9, 1907.
Maud & Elzy Turner, (Miss, Choc.)	January 21, 1907.
Willie Colbert et al.,	January 30, 1907.
Johny Vails,	February 5, 1907.
Maggie Francis Carroll,	January 16, 1907.
Minnie Lee Morgan,	February 7, 1907.
Robert Nelson, (Johnson?)	January 26, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,
Jesse E. Wilson.
Assistant Secretary.

12 inc. and 24 inc.
for Ind. Of.

AFMc

3-1-07

D. C. 12433
Land.
3904-1907 .

COPY.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 9, 1907, transmitting the record relative to the application of Charles W. Morrow as a citizen by blood of the Choctaw Nation.

On July 21, 1906, application was made to the Commissioner for the enrollment of Charles W. Morrow as a citizen by blood.

On January 9, 1907, the Commissioner held that the applicant was not entitled to enrollment.

The record shows that the applicant is the minor son of Emma P. Morrow, a non-citizen, and William F. Morrow, who was denied enrollment as a citizen by blood of the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on November 28, 1904 in case No. 75.

The case does not come within the decision of the Department of February 10, 1905 (I.T.D.10353-1904), in the case of Loula West, as neither of the parents of the applicant had a tribal status in 1896.

By reason of the provisions of Section 2 of the Act of April 26, 1906 (34 Stat.L., 137), the decision of the Commissioner adverse to the applicant is recommended for approval.

Very respectfully,

H.B.D.-1907.Acting Commissioner. C. F. Larrabee,

23-1029

Muskogee, Indian Territory, April 10, 1907.

William F. Morrow,

Paoli, Indian Territory.

Dear Sir:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of January 9, 1907, denying the application for the enrollment of Charles Walter Morrow as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

23-1029

Muskogee, Indian Territory, April 10, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of January 9, 1907, denying the application for the enrollment of Charles Walter Morrow as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Peden.

Acting Commissioner.

Choc. Minor 1030

Marshall Joshua Trimmer
Melvin Teddy

M1030

1030

MINOR

CHOCTAW

ENROLLMENT

MARSHEL JOSHUA TIMMER
MELVIN TEDDY

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26. 1906

For record See Choctaw #5256.

REFUSED FEB 5 1907

COPY OF DECISION FORWARDED
APPLICANT FEB 5 1907

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT FEB 5 1907

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS FEB 5 1907

RECORD FORWARDED DEPARTMENT
FEB 5 1907

ACTION APPROVED BY
SECRETARY OF INTERIOR FEB 28 1907

Notice of Departmental Action
Forwarded attorneys for Choctaw
and Chickasaw Nations APR 6 1907

Notice of Departmental Action
Forwarded attorney for applicant.
APR 6 1907

Notice of Departmental
Action Mailed Applicant APR 6 1907

1030

C 97
7-5256
7-5257
23-1080

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

COPY

In the matter of the application for the enrollment of SARAH E. KIZER, et al., as citizens of the Choctaw Nation.

D E C I S I O N

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes at Colbert, Indian Territory, October 11, 1898, by Sarah E. Kizer for the enrollment of herself and her children, Cordelia Kizer, Julia A. Kizer, Arthur A. Kizer and Hannah B. Kizer as citizens by blood of the Choctaw Nation; that on October 30, 1899, and March 25, 1902, respectively, written applications were filed for the enrollment of Joseph Wayne Roller and Robert Loyce Roller, minor children of J. S. Roller and Cordelia E. Roller; that on January 3, 1902, written application was made for the enrollment of Nevaloy McFarland, minor son of W. B. McFarland and Julia Alice McFarland; that application was made to the Commission to the Five Civilized Tribes at Colbert, Indian Territory, October 12, 1898, by Lucinda F. Trimmer for the enrollment of herself and her minor children, David B. Trimmer, Luther W. Trimmer, Marvin A. Trimmer, Carlos P. Trimmer, Browdie E. F. Trimmer, Zellia Trimmer and James V. Trimmer, as citizens by blood of the Choctaw Nation; that on May 24, 1900, written application was filed for the enrollment of Ethel Ardith Trimmer and on November 30, 1901, written application was filed for the enrollment of Argie Eunice Trimmer, minor children of Lucinda F. Trimmer and Joshua S. Trimmer as citizens by blood of the Choctaw Nation.

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 3, 1896, for admission to citizenship in the Choctaw Nation of the following applicants: Sarah E. Kizer, Lucinda F. Trimmer (as Lucenda F. Trimmer) nee Kizer, Cordelia Kizer (as Cordelia E. Kizer), Julia A. Kizer, Arthur A. Kizer (as Aurthar A. Kizer), Hannah B. Kizer (as Hanna B. Kizer), David B. Trimmer, Luther W. Trimmer, Marvin A. Trimmer, Carlos P. Trimmer (as Carlos Trimmer) Browdie E. F. Trimmer (as Brodie E. F. Trimmer), and Zellia Trimmer; and that on December 2, 1896, said application was denied by the Commission.

From this decision appeal was taken to the United States Court for the Central District of Indian Territory, which court, on January 18, 1898, reversed the decision of the Commission and admitted said applicants to citizenship.

proved April 26, 1906.

This office has no record of any application ever having been made for the enrollment of Valingtine Kizer and Joshay S. Trimmer as citizens by intermarriage of the Choctaw Nation prior to the filing of the petition herein, nor does it appear that any application was ever made for the enrollment of the petitioner, Joe Trimmer, as a citizen by blood of the Choctaw Nation prior to the filing of the petition.

It is alleged in the petition that the petitioner, Sarah Elizabeth Kizer "is a member and a citizen of the Choctaw tribe of Indians by blood; that she is the daughter of Mr. William H. Harrison; that in the year 1850, and at divers times prior to 1850, the said William H. Harrison and Mahuldie Harrison and their said children were all admitted citizens of the Choctaw tribe of Indians in the year 1850."

It does not appear from the record herein or from the records in the possession of the Commissioner to the Five Civilized Tribes that any of the applicants herein were ever recognized or enrolled as citizens of the Choctaw Nation by any duly constituted authority. Their names do not appear on any of the tribal rolls of the Choctaw Nation in the possession of this office.

The record herein further shows that a hearing in said cause was had at the office of the Commissioner to the Five Civilized Tribes on September 24, 1906, after due notice was given to Sarah Elizabeth Kizer and to the attorneys for the Choctaw and Chickasaw Nations. That on the date set for hearing said petitioner appeared before the Commissioner with her attorney; that upon a motion of the attorney for the petitioner a further hearing in said cause was granted on October 8, 1906, in order that the applicants might obtain the necessary evidence to establish the allegations in the petition.

On the date set for further hearing in the matter, no appearance was entered by or on behalf of the petitioners.

I am of the opinion that inasmuch as it does not appear from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that the applicants have ever occupied such a status as would entitle them to enrollment as citizens of the Choctaw Nation, the action of the Choctaw-Chickasaw Citizenship Court of June 29, 1904, is final, and that I am without authority to take any further action looking toward the enrollment of the applicants included in the decision of said citizenship Court.

I am, therefore, of the opinion that the applications for the enrollment of Sarah E. Kizer, Cordelia Kizer, Julia A. Kizer, Arthur A. Kizer, Hannah B. Kizer, Lucinda F. Trimmer, David B. Trimmer, Luther W. Trimmer, Carlos S. Trimmer, Browdie E. F. Trimmer (mentioned in the petition as Frank Trimmer), Zillia Trimmer and Marvin A. Trimmer, and the petition herein in so far as same applies to said applicants should be denied, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, James V. Trimmer, Ethel Ardith Trimmer and Argie Eunice Trimmer, whose applications for

Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw-Chickasaw Citizenship Court of December 19, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al."

Said cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo and on June 29, 1904 in the case of Sarah E. Kizer et al, vs. Choctaw and Chickasaw Nations (Choctaw-Chickasaw Citizenship Court case No. 125, Tishomingo docket) said Citizenship Court rendered a judgment therein wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Arthur A. Kizer, Sarah E. Kizer, Lucinda F. Trimmer.....Cordelia E. Kizer, Julia A. Kizer, Arthur A. Kizer, Hannah B. Kizer, David B. Trimmer, Luther W. Trimmer, Marvin A. Trimmer, Carlos Trimmer, Browdie E. F. Trimmer or Bowdie E. F. Trimmer and Zellia Trimmer be denied and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom."

On October 25, 1904, the Commission to the Five Civilized Tribes issued orders dismissing applications for the enrollment of Joseph Wayne Roller, Nevaloy McFarland, Robert Loyce Roller, Ethel Ardith Trimmer and Eunice Argie Trimmer as citizens of the Choctaw Nation for the reason that the persons through whom said applicants claimed the right to enrollment had been denied citizenship by the Choctaw-Chickasaw Citizenship Court.

On February 1, 1905, the Commission issued an order dismissing the application for the enrollment of James V. Trimmer as a citizen of the Choctaw Nation for the reason that the Choctaw-Chickasaw Citizenship Court had adversely determined the right of his mother, Lucinda F. Trimmer, as a citizen of the Choctaw Nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on March 9, 1906, a petition verified by Sarah Elizabeth Kizer praying for the enrollment of Sarah Elizabeth Kizer, nee Harrison, Auther Adams Kizer, deceased; Lusindy F. Trimmer, nee Kizer, David B. Trimmer, Louther Trimmer, Marvin Trimmer, Carlis Trimmer, Frank Trimmer, Zillie Omana Trimmer, James V. Trimmer, Ethel Trimmer, Argie Unice Trimmer and Joe Trimmer as citizens by blood of the Choctaw Nation and for the enrollment of Valingtine Kizer, husband, of Sarah Elizabeth Kizer, and Joshay S. Trimmer, husband of Lucinda F. Trimmer, as citizens by intermarriage of the Choctaw Nation.

Said petitioners, with the exception of Valingtine Kizer, Joshay S. Trimmer and Joe Trimmer are identical with the persons for whose enrollment as citizens by blood of the Choctaw Nation application was made to the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 28, 1898.

On July 25, 1906, application was filed for the enrollment of Marshel Joshua Trimmer, born September 7, 1902, and Melvin Teddy Trimmer, born June 27, 1905, minor children of David B. Trimmer and Hattie E. Trimmer as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress ap-

enrollment have heretofore been dismissed by the Commission to the Five Civilized Tribes, should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Valingtine Kiser and Joshay S. Trimmer, for whose enrollment as citizens by intermarriage of the Choctaw Nation no application was made prior to December 1, 1905, should be dismissed, and it is so ordered,

I am further of the opinion that the petition herein in so far as same applies to the petitioner, Joe Trimmer, should be considered as an application for the enrollment of said petitioner as a citizen by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and that said application and the applications filed July 25, 1906, for the enrollment of Marshel Joshua Trimmer and Melvin Teddy Trimmer should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats. 137), and it is so ordered.

Signed Tams Bixby
Commissioner.

Muskogee, Indian Territory,
Feb. 5, 1907.

Choc. Minor 1031
Mary Elizabeth Terrell

M1031

1031

MINOR

CHOCTAW

ENROLLMENT

MARY ELIZABETH TERRELL

As Citizen of the

CHOCTAW NATION

Act of Congress

Approved April 26. 1906

1031

(COPY)

C.R.

[redacted].

W.H.L.

D.C. 9287-1907.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

2910-1907.
I.T.D. 19700-1906.
15389-1906.
2107-1907.

February 14, 1907.

L M S

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 5, 1906, you transmitted the remanded record in the consolidated case of George W. Smith, et al., applicants for enrollment as citizens of the Choctaw Nation, including your decision of the same date adverse to applicants Mary E. Smith, Louanna Smith Terrell, Mary B. Smith, Marguerite Smith, and George Smith, as citizens by blood of the Choctaw Nation, and adverse to George W. Smith and Elmer Terrell, as citizens by intermarriage of said nation.

October 18, 1906, the Department referred the record in the above case to the Assistant Attorney-General for this Department for his opinion thereon.

In his approved opinion of February 9, 1907 (I.T.D. No.2910), a copy whereof is enclosed for your information, he held that:

> "Mrs. Smith and her children and descendants, so far as resident of the territory, are entitled to be enrolled as also Elmer Terrell intermarried to Louanna in conformity with Choctaw law,"

and adverse to George W. Smith.

In accordance therewith, your decision of June 5, 1906, adverse to all the applicants named in the consolidated case of George W. Smith, et al., applicants for enrollment as citizens of the Choctaw Nation, is hereby reversed, except as to George W. Smith, and you are directed to enroll Mary E. Smith, Louanna Smith Terrell, Mary D. Smith, Margurite Smith, and George Smith, as citizens by blood of the Choctaw Nation, and Elmer Terrell, as a citizen by intermarriage of the Choctaw Nation.

The Department has this day been advised by letter, dated February 12, 1907, of local attorney for applicant in above case, that an application filed under act of April 26, 1906, is now pending before your office for the enrollment of Mary Elizabeth Terrell, aged three years, minor child of Louanna Smith Terrell and her husband Elmer Terrell, and descendant of Mary E. Smith, this day directed to be enrolled. You are directed to take immediate action in accordance with the above opinion on the application for the enrollment of said minor child, Mary Elizabeth Terrell.

You will advise applicants, and their resident attorneys, immediately of this action. The Indian Office has been requested this day to advise local counsel of the action taken herein.

A copy of Indian Office letter of October 3, 1906 (Land 82136), recommending the above action is enclosed. The record in the case is returned to the Indian Office for its files, together with a copy hereof.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

2 enclosures.
28 enclosures to Ind. Of.
A F Mc 2- 15 -07

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Land
82136-1906

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

October 5, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of September 20, 1906, I.T.D. 15382, the record relative to the application of George W. Smith, et al, for enrollment as citizens of the Choctaw Nation is enclosed.

It appears that on October 20, 1898, George W. Smith applied to the Commission to the Five Civilized Tribes for the enrollment of himself as an intermarried citizen, and for the enrollment of his wife, Mary E. Smith, and their minor children, Mary D., Margurite, and George Smith, as citizens by blood, and that on the same day Elmer Terrell applied for the enrollment of himself as an intermarried citizen, and for the enrollment of his wife, Lousanna Smith Terrell, as a citizen by blood.

The Commissioner to the Five Civilized Tribes, under date of June 5, 1906, held that the parties to this case, George W. Smith, Elmer Terrell, Mary E. Smith, Lousanna Smith Terrell, Mary D., Margurite, and George Smith, were not entitled to enrollment as citizens by intermarriage and blood respectively, of the Choctaw Nation.

The record now shows that by Act of the National Council of the Choctaw Nation, approved on October 20, 1877, Mary Smith, her husband,

George W. Smith, and their two children, Louanna and Olive Belinda, and their married daughter, Octavia Bolling, her husband, George F. Bolling, and two children, John F. and Walter Bolling, were admitted to citizenship in the Choctaw Nation.

The Act declares that it shall be in full force and effect from and after its passage.

The decision of the Commission of October 15, 1904, adverse to the applicants, was approved by the Department on July 19, 1905. On March 18, 1906, I.T.D. 1277, the Department rescinded its action of July 19, 1905, and directed the reopening of the case for a further hearing touching the residence and property interests in the Choctaw Nation of the applicants. Additional testimony was taken by the Commissioner.

It appears from the record that Mary D., Margurite, and George Smith are the children of George W. and Mary E. Smith. Mrs. Terrell is also their daughter. In 1903 Mary D. was sixteen years of age, Margurite seventeen, and George nine. They are now nineteen, seventeen, and twelve years of age respectfully. George W. Smith was married to Mary E. on January 17, 1869, in accordance with the laws of the State of Alabama, and in 1870 they removed to the State of Arkansas, where George Smith continued to reside up to and including September 25, 1902, with the exception of temporary visits at different periods in the Indian Territory. He did not settle in the Territory prior to June 28, 1898.

Elmer Terrell married Louanna Smith in accordance with the laws of Arkansas on September 1, 1897, and on July 15, 1898, they removed to

the Chickasaw Nation, where they resided up to and including September 25, 1902. On May 1, 1899, they were re-married in accordance with the Choctaw law.

It is shown that Mary E. Smith and Louanna Smith Terrell removed from Fort Smith, Arkansas, to the Choctaw Nation in May, 1889, and that they resided there until September, 1889, when Mrs. Smith returned to Fort Smith for the purpose of educating her children in the public schools of that city. She continued to reside in Arkansas until after June 28, 1898. Mrs. Smith and Mrs. Terrell were accompanied by Annie and Ollie Smith, who were not applicants in this case.

The record strongly indicates that when Mrs. Smith went to the Choctaw Nation in 1889 she exercised control over certain land therein and her right and the right of the other parties to the case, except those who applied as citizens by intermarriage, seems to hinge on whether her residence at that time was in good faith.

The Office is unable to agree, as the record now stands, with the conclusions reached by Mr. Bixby. It believes that from the record that Mrs. Smith and Mrs. Terrell went to the Choctaw Nation in 1889 with the firm intention of making that their home. If this be true the fact that Mrs. Smith returned to Arkansas for the purpose of educating her children and did not again return to the Choctaw Nation until after June 28, 1898, should not bar her from enrollment.

It is shown that in 1889 land adjoining that occupied by Mrs. Smith's father was selected for Mrs. Smith, Mrs. Terrell, and Ollie Cribs .

After having given the case careful consideration the Office has reached the conclusion that Mary E. Smith, Louanna Smith Terrell, Mary D., Margurite, and George Smith, are entitled to enrollment as citizens by blood of the Choctaw Nation. George W. Smith never having settled in the nation prior to June 28, 1898, is not, under existing law, entitled to enrollment. If Mrs. Terrell is entitled to enrollment as a citizen by blood, her husband, Elmer Terrell, is undoubtedly entitled to enrollment as a citizen by intermarriage, as he married his wife in accordance with the laws of the Choctaw Nation on May 1, 1899, and is not therefore barred by any existing law relating to the subject.

The names of Mary E. Smith, Louanna Smith Terrell, Mary D., Margurite, and George Smith are found on the Choctaw census roll of 1896 as citizens by blood thereof. The name of George W. Smith appears on said roll as an intermarried citizen of the Choctaw Nation.

As above said, as the record now stands, the Office is of the opinion that all of the applicants are entitled to enrollment except George W. Smith, Elmer Terrell as an intermarried citizen and the others as citizens by blood, and it respectfully recommends that the decision of the Commission be reversed, and that the applicants referred to be enrolled.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAS-GM

(Copy, I. T. D. 2910-1907).

J.R.W.
W.C.P.
F.W.C.

DEPARTMENT OF THE INTERIOR,
Office of the Assistant Attorney-General,
WASHINGTON.

I. T. D.
11618, 1904; 79,
375, 763, 1765, 2707,
3839, 10651, 17842,
17844, 1905;
19700, 1906.

February 9, 1907.

The Secretary of the Interior.

Sir:

I received by reference of October 12, 1906, for my opinion, the cases of Mary E. Smith, her children, Mary D., Margaret, George, and of her husband George W. Smith, intermarried; Louanna Smith Terrell and Elmer Terrell, her husband, for enrollment as citizens of the Choctaw Nation. These applicants also, at the suggestion of the Commissioner to the Five Civilized Tribes, applied for identification as Mississippi Choctaws.

As to all save George W. and Elmer, no question is made of Choctaw blood and by Act of the Choctaw Council October 20, 1877 the right of Mary E., George W., and Louanna to citizenship in the Choctaw Nation was "admitted and established." Mary E. is granddaughter of Allen Gates, white, and his wife Millie, one quarter Choctaw. Allen was a beneficiary of the Dancing Rabbit Creek Treaty (American State Papers VII, pp.53, 129). Mary E. was born in Choctaw County, Alabama, in 1851, and lived there until her marriage January 17, 1869. About 1870 she and her husband George W. removed to Arkansas. Her parents and their family removed into the Nation in 1879, where the parents afterward died and

their descendants are enrolled citizens. All the applicants except Elmer are identified upon the 1896 Choctaw Census Roll. George W. is a physician and permanently located at Ft. Smith, Arkansas, about 1878, where he has ever since practiced his profession. Elmer married Louanna at Ft. Smith September 1, 1897, removed to the Chickasaw Nation July 15, 1898, and remarried Louanna there May 1, 1899, in conformity with Chickasaw laws. The applicants, except Elmer, claimed to have affiliated with the Nation and to have permanently settled therein prior to June 28, 1898 (viz. in 1889) but the Department July 19, 1905, upon the evidence theretofore taken, affirmed the recommendation of the Commission denying enrollment of all the applicants. Upon motion for rehearing March 13, 1906, the decision was vacated and the case reopened -

to determine the exact character of the property interests acquired by Mary E. Smith in the Choctaw Nation in 1889, whether she retained said interests upon her removal therefrom and whether her act of removal to Fort Smith, Arkansas, constituted an abandonment of her Choctaw citizenship rights therein and amounted to her expatriation. The record is remanded for the purpose of readjudication.

There was a rehearing on the matters indicated and the Commissioner, June 5, 1906, reported that -

As to the physical residence of the applicants, Mary E. Smith and Louanna Smith Terrell, the evidence in this case shows that in May 1889, Mary E. Smith, after disposing of some property belonging to her and her husband, George W. Smith, removed from Fort Smith, Arkansas, to the home of her father near Canadian, Choctaw Nation, Indian Territory, for the purpose of taking up her residence in the Indian Territory; that she was accompanied by her two children, Annie (the applicant Louanna Smith Terrell) and Ollie (not an applicant in this case); that Mary E. Smith continued to reside with her father at Canadian, Indian Territory, until September, 1889, when she returned to Ft. Smith, Arkansas, for the purpose of placing her children in the public schools

of that city; and that she and her children have continued to reside in Ft. Smith, Arkansas, continuously from September, 1889, until after June 28, 1898, with the exception of occasional visits to the home of Mrs. Smith's father near Canadian, Indian Territory.

x x x x x x

I am of opinion that the preponderance of the evidence establishes that the applicant, Mary E. Smith, and her children were not residents in good faith of Indian Territory on June 28, 1898; that they possessed no property interests located therein prior to said date; and that the improvements claimed by them were a part of the estate of Mr. Toole, father of Mary E. Smith.

The Commissioner recommended adherence to the former decision denying the applicants. The Indian Office on review of the evidence was of opinion and recommended -

that Mrs. Smith and Mrs. Terrell went to the Choctaw Nation in 1889 with the firm intention of making that their home. If this be true the fact that Mrs. Smith returned to Arkansas for the purpose of educating her children and did not again return to the Choctaw Nation until after June 28, 1898, should not bar her from enrolment.

x x x x x x

As the record now stands, the Office is of the opinion that all of the applicants are entitled to enrolment except George W. Smith, Elmer Terrell as an intermarried citizen and the others as citizens by blood.

Upon examination of the record I am of opinion that the weight of the evidence supports the conclusion reached by the Indian Office as to the bona fides of removal of Mrs. Smith and her children then living, and affiliation with the Nation in 1889. Instead of selling "some property belonging to her and her husband" the evidence is that Mr. Smith and his wife sold all their real holdings in Arkansas, his farm and her house in the city, the family home, and removed all the furnishings and personal

and household belongings into the Nation taking claims there for herself and children upon the communal lands, taking the children with her. Such facts are very cogent of bona fide intent and coupled with the fact of race affinity and right to appropriate communal lands only by integration into the social state owning the lands, forces the mind to the conclusion that this removal was with intent to there permanently reside. Such being the intent the right of citizenship was gained and Mrs. Smith and her children were integrated into the Choctaw Nation. The opinion of the Commissioner that Mrs. Smith and her children were not residents of the territory in good faith June 28, 1898, seems to rest upon a misconstruction of the act of that date, which does not require residence there but an affiliation with, or integration into the Nation by residence there prior to that date. If her removal from the Nation was, as the Commissioner finds, for the purpose of educating the children the implication and presumption is not one to become expatriated and to permanently identify herself with the white race and its future, but rather the contrary. This presumption is supported by the facts of continued holding of claim to communal lands, frequent returns to assert such claims, being recognized by the tribal authorities in recognition of such claims, inscription upon the tribal rolls and finally by actual removal to the Nation when the temporary purpose was accomplished and permanent residence there since. I am therefore of opinion that Mrs. Smith and her children and descendants, so far as resident of the territory, are entitled to be

enrolled as also Elmer Terrell intermarried to Lousina in conformity with Choctaw Law.

As to George W. Smith the evidence fails to show that he removed to the Nation prior to June 28, 1898, or ever settled there. His only right is that by intermarriage, under article XXXVIII of the Treaty of July 10, 1866 (14 Stat., 769) by which the right was conditioned and dependent upon the fact of residence in the Nation and according to domicile. For reasons stated at length in my opinion in case of Joseph M. Smith (I. T. D. 397, 1907), I concur in the opinion of the Indian Office that his application be denied.

Very respectfully,

Frank L. Campbell

Assistant Attorney General.

Approved: February 9, 1907:

E. A. Hitchcock,

Secretary.

23-1031

Muskogee, Indian Territory, March 8, 1907.

Louanna Smith Terrell,

Chickasha, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of February 12, 1907, stating that you made application for the enrollment of your minor child Mary Elizabeth Terrell under the Act of April 26, 1906, and you ask what disposition has been made of the application for her enrollment.

In reply to your letter you are advised that the name of Mary Elizabeth Terrell has been placed upon a schedule of minor citizens of the Choctaw Nation under the Act of Congress approved April 26, 1906, which has been forwarded to the Secretary of the Interior and you will be notified of the approval of her enrollment by the Department.

Respectfully,

Commissioner.

Jcc

NEW BORN #1031

20

IN RE

Application for Enrollment of

INFANT CHILD

Mary Elizabeth Terrell,

as a citizen of

CHOCTAW *Nation.*

Approved Feb 20 1907

COMMISSIONER.

Born June 10, 1904

ACT OF CONGRESS APPROVED A[illegible]

MAY 7 1906

CHOCTAW

NB

RECEIVED

MAY [illegible] 1906

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Chootaw Nation.

of Mary Elizabeth Terrell (Here insert name of child), born on the 10th day of June, 1904

Name of Father: Elmer Terrell a citizen of the Chootaw Nation.

Name of Mother: Louanna Smith Terrell a citizen of the Chootaw Nation,

Postoffice Chickasha, Indian Territory.

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Southern DISTRICT.

I, Louana Smith Terrell, on oath state that I am thirty-three years of age and a citizen, by Blood, of the Chootaw Nation; that I am the lawful wife of Elmer Terrell, who is a citizen, by Intermarriage, of the Chootaw Nation; that a Female (Male or Female) child was born to me on 10th day of June 1904; that said child has been named Mary Elizabeth Terrell, and is now living.

Louanna Smith Terrell

WITNESSES TO MARK.

Must be two Witnesses { F. W. Bailey
Mary E. Smith

Subscribed and sworn to before me this 30th day of April 1906

My Commission Expires Oct 12. 1909, C. W. L. Armour Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Southern DISTRICT.

I, E. L. Dawson, a Physician, on oath state that I attended on Mrs. Louana Smith Terrell, wife of Elmer Terrell on the 10th day of June, 1904; that there was born to her on said date a Female (Male or Female) child; that said child is now living and is said to have been named Mary Elizabeth Terrell

E. L. Dawson, M. D.

WITNESSES TO MARK:

Must be two Witnesses { F. Daniels.
J. C. Terrell

Subscribed and sworn to before me this 27th day of April 1906

R. M. Cochran Notary Public.

My Commission Expires Oct 21. 1909.

Choc. Minor 1032

Harvey Stover

Hazel Stover

M1032

1432

MINOR

CHOCTAW

ENROLLMENT

HARVEY STOVER
HAZEL STOVER

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26. 1908

REFUSED JAN 8 - 1907

COPY OF DECISION FORWARDED
APPLICANT JAN 8-1907

Copy of Decision Forwarded
Attorneys for Choctaw and
Chickasaw Nations JAN 8- 1907

RECORD FORWARDED DEPARTMENT
JAN 8- 1907

ACTION APPROVED BY
SECRETARY OF INTERIOR MAR 1- 1907

Notice of Departmental Action
forwarded attorneys for Choctaw
and Chickasaw Nations MAR 29 1907

Notice of Departmental
Action Mailed Applicant MAR 29 1907

1432

N. B. 1032.

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Harvey Stover

as a citizen of

Choctaw Nation.

Approved ..... 190...

.....
Commissioner.

Born Sept. 23, 1902.

Act of Congress approved April 26, 1906.

Department of the Interior,

Commissioner to the Five Civilized Tribes.

F I L E D
JUN 19, 1906.
Tams Bixby, Commissioner.

Choctaw N.B.1032. Recd. Jun 11, 06.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Harvey Stover [Here insert name of child], born on the 23 day of Sept. 1902.

Name of Father: Theodore Stover, a citizen of the Choctaw Nation.

Name of Mother Cora Stover, a citizen of the Choctaw Nation.

Tribal enrollment of father Choctaw. Tribal enrollment of mother Choctaw.

Postoffice Marlow, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, Southern District.

I, Cora Stover, on oath state that I am 24 years of age and a citizen by marriage, of the Choctaw Nation; that I am the lawful wife of Theodore Stover, who is a citizen, by blood, of the Choctaw Nation; that a male [Male or Female] child was born to me on 23 day of Sept. 1902.; that said child has been named Harvey Stover and was living March 4, 1906.

Cora Stover

WITNESSES TO MARK:

[Must be Two Witnesses] C. S. Wade

Will Darnell

Subscribed and sworn to before me this 8 day of June 1906.

(SEAL) T. L. Wade

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, Southern District.

I, David M. Montgomery, a Physician, on oath state that I attended on Cora Stover, wife of Theodore Stover on the 23 day of September 1902 that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Harvey Stover

David M. Montgomery, M. D.

WITNESSES TO MARK:

[Must be Two Witnesses] C. S. Wade

Will Darnell

Subscribed and sworn to before me this 8 day of June 1906.

(SEAL) T. L. Wade

Notary Public.

N. B. 1032.

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Hazel Stover.....

as a citizen of

Choctaw..... Nation.

Approved..... 190...

.....
Commissioner.

Born Oct. 4, 1904.

Act of Congress approved April 26, 1906.

Department of the Interior,
Commissioner to the Five Civilized Tribes.

F I L E D

JUN 19, 1906.
Tams Bixby, Commissioner.

Choctaw
N.B. 1032.

Received
Jun. 11, 1906.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Hazel Stover [Here insert name of child], born on the 4 day of Oct., 1904.

Name of Father: Theodore Stover, a citizen of the Choctaw Nation.

Name of Mother: Cora Stover, a citizen of the Choctaw Nation.

Tribal enrollment of father: Choctaw. Tribal enrollment of mother: Choctaw.

Postoffice: Marlow, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, Southern District.

I, Cora Stover, on oath state that I am 24 years of age and a citizen by marriage, of the Choctaw Nation; that I am the lawful wife of Theodore Stover, who is a citizen, by blood, of the Choctaw Nation; that a female child was born to me on 4 day of October, 1904.; that said child has been named Hazel Stover and was living March 4, 1906.

Cora Stover

WITNESSES TO MARK:

[Must be Two Witnesses] (SEAL) C. S. Wade, Will Darnell

Subscribed and sworn to before me this 8 day of June 1906.

T. L. Wade.
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, Southern District.

I, David M. Montgomery, a Physician, on oath state that I attended on Cora Stover, wife of Theodore Stover, on the 4 day of Oct. 1904; that there was born to her on said date a female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Hazel Stover.

David M. Montgomery, M.D.

WITNESSES TO MARK:

[Must be Two Witnesses] C. S. Wade, Will Darnell

Subscribed and sworn to before me this 8 day of June 1906.

(SEAL) T. L. Wade
Notary Public.

23-1032.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Harvey Stover, et al., as citizens by blood of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein that on June 11, 1906, application was made for the enrollment of Harvey Stover and Hazel Stover as citizens by blood of the Choctaw Nation.

It further appears from the record herein and from the records in the possession of this office that Harvey Stover and Hazel Stover were born September 23, 1902 and October 4, 1904, respectively, and are the children of Theodore Stover, who was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court September 19, 1904, in case No. 66, upon the Tishomingo Docket thereof, and Cora Stover, whose application for enrollment as a citizen by intermarriage of the Choctaw Nation was dismissed by the Commission to the Five Civilized Tribes November 4, 1904; said Cora Stover claiming her right to enrollment as such through the said Theodore Stover.

I am of the opinion that Harvey Stover and Hazel Stover are not entitled to enrollment as citizens by blood of the Choctaw Nation and that their application as such, should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,
JAN 8 1907.

23-1032.

COPY.

Muskogee, Indian Territory, January 8, 1907.

Theodore Stover,

Marlow, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes rendered January 8, 1907, denying the application for the enrollment of Harvey Stover and Hazel Stover as citizens by blood of the Choctaw Nation.

This decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Commissioner.

Registered.

Incl. 23-1032.

23-1032.

Muskogee, Indian Territory, January 8, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes rendered January 8, 1907, denying the application for the enrollment of Harvey Stover and Hazel Stover as citizens by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 23-1032.

COPY.

Muskogee, Indian Territory, January 8, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Harvey Stover and Hazel Stover as citizens by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 8, 1907, denying said application.

Respectfully,

SIGNED [illegible]

Commissioner.

2 Incl. 23-1932.

Through the
Commissioner of Indian Affairs.

J.P.
FHE.

LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

DC-12435-1907
I.T.D.4974,4980,4988,4998,5006-07.
5016,5084,5182,5198,5478- "
5518,5534,5536,5538,5542- "
5544,5552, - "

March 1, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw enrollment cases adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
Dora Anderson (or Tocubbe)	February 9, 1907
Mattie Evans, et al.,	January 16, 1907
Marvin R. Stanphill and Ada M. Stanphill	January 9, 1907
Eula Gladys Beach,	January 16, 1907
John Keaton, et al.,	January 18, 1907
Okla Vivian Bolling,	December 1, 1906
Edward Haifeh,	December 1, 1906
Robert Lee Nolan, et al., (Freedmen)	February 9, 1907
Harvey Stover and Hazel Stover,	January 8, 1907
Mary Ranson, (Freedman)	January 10, 1907
Frank Bynum,	January 28, 1907
Ira T. Brown,	January 10, 1907
Richard Colbert, (Freedman)	February 9, 1907
Mattie Alice and Wm. Robert Strickland,	January 4, 1907
Monty Sanders,	December 1, 1906
Emeline G. Adams, et al., (Miss. Choc.)	January 25, 1907
Jesse Bollinger, et al.,	December 24, 1906

Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed, are inclosed.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

17 ins. and 34 for Ind. Off.

AWG
5-1-07

-Copy-

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

DC-12435-1907
Land
2971-1907

February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir :

There is enclosed the record of proceedings in the matter of the application for the enrollment of Harvey Stover and Hazel Stover as citizens of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes dated January 8, 1907, adverse to the applicants.

The record shows that on June 11, 1906, application was made for the enrollment of the applicants herein as citizens of the Choctaw Nation.

The record further shows that the applicants are the children of Theodore Stover, who was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on September 19, 1904, and Cora Stover, whose application for enrollment as a citizen by intermarriage of the Choctaw Nation was dismissed by the Commission to the Five Civilized Tribes on November 4, 1904, Cora Stover claiming her right to enrollment as such through her husband, Theodore Stover.

This case does not come within the Lula West case approved by the Department on February 10, 1905, (I.T.D.10353-1904) as the applicants did not have a tribal status in 1896.

By reason of the provisions of the Act of Congress approved

April 26, 1906 (34 Stat. L. 137), the Office concurs in the decision of Commissioner Bixby denying the enrollment of the applicants herein as citizens of the Choctaw Nation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

KEM.Ph.

23-1032

Muskogee, Indian Territory, March 29, 1907.

Theodore Stover,

Marlow, Indian Territory,

Dear Sir:

You are hereby advised that on March 1, 1907, the Secretary of the Interior affirmed the decision of this office of January 8, 1907, denying the application for the enrollment of Harvey Stover and Hazel Stover as citizens by blood of the Choctaw Nation.

Respectfully,

C. H. D. Jones.

Acting Commissioner.

23-1032

Muskogee, Indian Territory, March 29, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on March 1, 1907, the Secretary of the Interior affirmed the decision of this office of January 8, 1907, denying the application for the enrollment of Harvey Stover and Hazel Stover as citizens by blood of the Choctaw Nation.

Respectfully,

Tams Bixby

Acting Commissioner.

7-D-698
7-5172

Muskogee, Indian Territory, June 14, 1906.

Theodore Stover,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Cora Stover and David M. Montgomery to the birth of Hazel Stover and Harvey Stover, children of Theodore and Cora Stover, October 4, 1904, and September 23, 1902.

Respectfully,

Commissioner.

Choc. Minor 1033
Lindsey Simpson

M1033

MINOR

CHOCTAW

ENROLLMENT

LENOIR SECTION

As Citizen of the

CHOCTAW NATION

Act of Congress

Approved April 26. 1906

DECISION RENDERED JAN 9- 1907

REFUNDED JAN 9- 1907

COPY OF DECISION FURNISHED
APPLICANT JAN 9- 1907

Copy of decision forwarded
Attorneys for Choctaw and
Chickasaw Nations. JAN 9- 1907

RECORD FORWARDED DEPARTMENT
JAN 9- 1907

ACTION APPROVED BY FEB 23 1907
SECRETARY OF INTERIOR

Notice of Departmental Action
Forwarded Attorneys for Choctaw
and Chickasaw Nations. APR 1- 1907

Notice of Departmental
Action Mailed Applicant APR 1- 1907

NEW BORN #1033

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....Lindsey Simpson.....

as a citizen of

.....Choctaw..... Nation.

Approved..... 190...

.....

Commissioner.

Born July 17, 1903.

Act of Congress approved
April 26, 1906.

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Filed May 29, 1906.
Tams Bixby, Commissioner.

CHOCTAW

N.B.1033.

RECEIVED

MAY 21 1906

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Lindsey Simpson [Here insert name of child] born on the 17th day of July 1903.

Name of Father: Vinson Simpson a citizen of the U S Nation.

Name of Mother Fannie Simpson a citizen of the Choctaw Nation.

Tribal enrollment of father no Tribal enrollment of mother Application Pending

Postoffice Rush Springs, Indian Territory

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Fannie Simpson, on oath state that I am 32 years of age and a citizen by Blood, of the Choctaw Nation; that I am the lawful wife of Vinson Simpson, who is a citizen, by ----, of the U S Nation; that a male [Male or Female] child was born to me on 17th day of July 1903.; that said child has been named Lindsey Simpson and was living March 4, 1906.

Fannie Simpson

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 19th day of May 1906.

Stephen Brown
Notary Public.

(SEAL)

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, P. J. Hampton, a Physician, on oath state that I attended on Fannie Simpson, wife of Vinson Simpson on the 17th day of July 1903. that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Lindsay Simpson

P. J. Hampton, M. D.

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 19th day of May 1906.

Stephen Brown
Notary Public.

(SEAL)

23-1033.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lindsey Simpson as a citizen by blood of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on May 21, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Lindsey Simpson as a citizen by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records of this office that Lindsey Simpson was born July 17, 1903, and is the son of Fannie Simpson, whose application for enrollment as a citizen by blood of the Choctaw Nation was dismissed by the Commission to the Five Civilized Tribes December 3, 1904, in accordance with the opinion of the Acting Attorney General dated May 9, 1904 (I.T.D. 3824-1904), and the opinion of the Assistant Attorney General for the Department of the Interior dated July 30, 1904 (I.T.D. 5246-1904), and Vinson Simpson, a non-citizen white man.

I am of the opinion that Lindsey Simpson is not entitled to enrollment as a citizen by blood of the Choctaw Nation, and that the application made for his enrollment as such should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

23-1033

Muskogee, Indian Territory, January 9, 1907.

Vinson Simpson,

Rush Springs, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Lindsey Simpson as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Registered.
Incl. 23-1033

23 1033

Muskogee, Indian Territory, January 9, 1907.

Mansfield, McMurray, and Cornish,

Attorneys for the Choctaw and Chickashaw Nations,

South McAlester, Indian Territory.

Dear Sirs:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Lindsey Simpson as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. the final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Incl. 23-1033.

Muskogee, Indian Territory, January 9, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Lindsey Simpson as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 8, 1907, denying said application.

Respectfully,

Commissioner.

2 Incl. 23-1033

Through the
Commissioner of Indian Affairs.

D.C.12307-1907. J.P.

O.K.

DEPARTMENT OF THE INTERIOR.

L.R.S.

WASHINGTON.

I.T.D.
24516-1906.
4632, 4712, 4718, 4794,
4830, 4836, 4806, 4646,
4706, 4714, 4720, 4818,
4824, 4830, 4834, 4840,
4844-07.

February 28, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed.

Title of Case.	Date of Your Letter of Transmittal.
Robert W. Baker,	August 10, 1906.
Georgia Merl Gray et al,	January 18, 1907.
Forbes Franklin Reynolds et al.,	November 21, 1906.
Lindsey Simpson,	January 9, 1907.
Clevara Hollis (Freedman),	February 2, 1907.
Hilbert Franklin & William Curtis Shaw,	February 2, 1907.
Francis Lynch,	June 13, 1906.
Laurence John,	January 21, 1907.
Dink Duvall et al.,	January 26, 1907.
Joseph Fleming,	November 22, 1906.
Frank Obe. and Ruby Jane Sullivan,	January 9, 1907.
Nathan Ray Segreves,	January 9, 1907.
Thomas H. and William J. Barnes,	January 8, 1907.
Mary Ann LeFlore et al.,	July 25, 1906.
L. R. Coleman et al.,	January 9, 1907.
Jesse H. Wallace (intermarried),	January 21, 1907.
George Alton and Grace May Parks,	January 9, 1907.
Leo Harrison Cooper, (Miss. Choc.),	December 18, 1906.

A copy hereof and the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

18 inc. and
36 for Ind. Of.

(COPY-DeB) 944
Refer in reply to the following: 307
Land.
3893-1907. DEPARTMENT OF THE INTERIOR.
D.C.12307-1907. OFFICE OF INDIAN AFFAIRS.

WASHINGTON. February 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letters of May 9, 1904 (I.T.D. 3824) and July 20, 1904 (I.T.D. 5246), there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 9, 1907, transmitting the record relative to the application of Lindsey Simpson for enrollment as a citizen by blood of the Choctaw Nation.

On May 21, 1906, application was made to the Commissioner for the enrollment of Lindsey Simpson as a citizen by blood.

On January 9, 1907, the Commissioner held that the applicant was not entitled to enrollment.

The record shows that the applicant is the minor son of Fannie Simpson, whose application for enrollment as a citizen by blood of the Choctaw Nation was dismissed by the Commission to the Five Civilized Tribes in accordance with the opinions of the Acting attorney general for the Department of May 9, 1904 (I.T.D. 3824), and of the Assistant Attorney General for the Department of July 20, 1904 (I.T.D.5246), and Vinson Simpson, a non-citizen.

By reason of the provisions of Section 2 of the Act of April 26, 1906 (34 Stat.L.137), the decision of the Commissioner adverse to the applicant is recommended for approval.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

N.R.D.-HL

23-1033

Muskogee, Indian Territory, April 1, 1907.

Vinson Simpson,

Rush Springs, Indian Territory.

Dear Sir:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Lindsey Simpson as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

83-1033

Muskogee, Indian Territory, April 1, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Lindsey Simpson as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. T. Rogers.

Acting Commissioner.

7-5177

Muskogee, Indian Territory, May 28, 1906.

Fannie Simpson,

Rush Springs, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your affidavit and the affidavit of P. J. Hampton M. D., to the birth of Lindsey Simpson, child of Vinson and Fannie Simpson, July 17, 1903.

Respectfully,

Commissioner.

Choc. Minor 1034
Willis Edmond Segroves

M1034

1034

MINOR

CHOCTAW

ENROLLMENT

WILLIS EDMOND SEGROVES

As a Citizen of the

CHOCTAW NATION

Act of Congress

Approved April 26, 1906

REFUSED JAN 23 1907

COPY OF DECISION FORWARDED
APPLICANT JAN 23 1907

Copy of Decision Forwarded
Attorneys for Choctaw and
Chickasaw Nations JAN 23 1907

RECORD FORWARDED DEPARTMENT
JAN 23 1907

ACTION APPROVED BY
SECRETARY OF INTERIOR FEB 28 1907

Notice of Departmental Action
Forwarded Attorneys for Choctaw
and Chickasaw Nations APR 15 1907

Notice of Departmental
Action mailed applicant APR 15 1907

1034

NEW BORN 1034

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Willis Edmond Segroves

as a citizen of

Choctaw Nation.

Approved..... 190...

.....
Commissioner.

Born Oct. 28, 1903.

Act of Congress approved
April 26, 1906.

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Filed Jul. 23, 1906.
Tams Bixby, Commissioner.

CHOCTAW

N.B.1034.

RECEIVED

JUL 9- 1906

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Willis Edmond Segroves [Here insert name of child] born on the 28 day of October 1903.

Name of Father: Dock Thomas Segroves a citizen of the Choctaw Nation.

Name of Mother: Floy Velms Segroves a citizen of the Choctaw Nation.

Tribal enrollment of father ..... Tribal enrollment of mother .....

Postoffice Marietta, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Southern Dist. District.

I, Floy V. Segroves, on oath state that I am 20 years of age and a citizen by marriage, of the Chocataw Nation; that I am the lawful wife of Dock Thomas Segroves, who is a citizen, by Court Claim, of the Chocataw Nation; that a male [Male or Female] child was born to me on 28th day of Oct 903.; that said child has been named Willis Edmond Segroves and was living March 4, 1906.

Floy Velma Segroves

WITNESSES TO MARK:

[Must be Two Witnesses] .....
.....

Subscribed and sworn to before me this 5th day of July 1906.

B. A. Dillard
Notary Public.

(SEAL)

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, J. D. Batson, a Physician, on oath state that I attended on Floy V. Segroves, wife of Dock T. Segroves on the 28th day of October 1903, that there was born to her on said date a Male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Willis Edmond Segroves

J. D. Batson

WITNESSES TO MARK:

[Must be Two Witnesses] .....
.....

Subscribed and sworn to before me this 5th day of July 1906.

B. A. Dillard
Notary Public.

(SEAL)

23-1034.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Willis Edmond Segroves as a citizen by blood of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on July 9, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Willis Edmond Segroves as a citizen by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that Willis Edmond Segroves was born October 28, 1903, and is the son of Douk Thomas Segroves, who was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court November 28, 1904, in case No. 78 on the Tishemingo Docket thereof, and Fley Velma Segroves, a non-citizen.

I am of the opinion that Willis Edmond Segroves is not entitled to enrollment as a citizen by blood of the Choctaw Nation and that the application made for his enrollment as such should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

JAN 23 1907

23-1034.

COPY

Muskogee, Indian Territory, January 23, 1907.

Dock Thomas Segroves,

Marietta, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 23, 1907, denying the application for the enrollment of Willis Edmond Segroves as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 23-1034.

Registered.

23-103 4.

COPY

Muskogee, Indian Territory, January 23, 1907 .

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nation.

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 23, 1907, denying the application for the enrollment of Willis Edmond Segroves as a citizen by blood of the Choctaw Na tion.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 23-1034.

COPY

Muskogee, Indian Territory, January 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Willis Edmond Segroves as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 23, 1907, denying said application.

2 Incl.
83-1034.

Through the Commissioner
of Indian Affairs.

Respectfully,

SIGNED Tams Bixby

Commissioner.

D.C. 12436-1907. J.P.
FHE.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. February 28, 1907.

I.T.D.
4856, 4876, 4882, 4884, 4886-07.
4972, 4978, 4986, 4992, 5002- "
5008, 5014, 5094, 5100, 5112- "
5122, 5096, - "

LRS.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
Merrill and Elizabeth Jackson (Freedmen),	February 2, 1907.
Teddy Bear Brown,	January 10, 1907.
Clarence R. Pickens,	January 9, 1907.
Dallas Edgar Betts,	November 28, 1906.
Dottie May Brimage,	November 28, 1906.
Cicero Henry Bernard,	December 21, 1906.
James Jackson,	November 8, 1906.
Charles M. Avery (Intermarried),	January 16, 1907.
Lewis Sledge,	January 9, 1907.
Dick Woodall, et al.,	January 26, 1907.
Willie O. and Samuel S. McFaddin,	January 16, 1907.
Ernest L. Worthy, et al.,	December 1, 1906.
Frank Wise, et al.,	January 30, 1907.
Matty Dell Lewis McCarty,	January 16, 1907.
Willis Edmond Segreves,	January 23, 1907.
Jesk Fulton,	December 21, 1906.
Laremee Sheels, (freedman),	February 9, 1907.

Copies of Indian Office letters submitting your reports and recommending that the decisions be approved, are inclosed.

A copy hereof and all the papers in the above-mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

17 inc. and
34 for Ind. Of.

AWic.
3-1-07.

Refer in reply to
the following:

Copy

DEPARTMENT OF THE INTERIOR

LAND
8462-1907
D.C.12436

OFFICE OF INDIAN AFFAIRS

WASHINGTON. February 23, 1907.

The Honorable,

The Secretary of the Interior

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Willie Edmond Segreves as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes dated January 23, 1907, adverse to the applicant.

The record shows that on July 9, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of the applicant herein as a citizen of the Choctaw Nation.

The record further shows that the applicant is the son of Dock Thomas Segreves, who was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on November 28, 1904, and Fley Velma Segreves, a non-citizen.

This case does not come within the Lula West case approved by the Department on February 10, 1905 (I. T. D. 10353-1904) as the applicant did not have a tribal status in 1896.

By reason of the provisions of the Act of Congress approved April 26, 1906 (34 Stat.L., 137) the Office concurs in the

decision of Commissioner Bixby denying the enrollment of the applicant as a citizen of the Choctaw Nation.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

KBM.Ph.

23-1034

Muskogee, Indian Territory, April 15, 1907.

Dook Thomas Segroves,

Marietta, Indian Territory.

Dear Sir:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of January 23, 1907, denying the application for the enrollment of Willis Rhmond Segroves as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

23-1034

Muskogee, Indian Territory, April 15, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of January 23, 1907, denying the application for the enrollment of Willis Edmond Segroves as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

7-4999

Muskogee, Indian Territory, July 23, 1906.

Dock Thomas Segroves,

Marietta, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Floy Velma Segroves and J. D. Batson to the birth of Willis Edmond Segroves, child of Dock Thomas Segroves and Floy Velma Segroves, October 28, 1903.

Respectfully,

Commissioner.

Choc. Minor 1035

M1035

1035

MINOR

CHOCTAW

ENROLLMENT

EATHEL RAY NEGROVES

As Citizen of the

CHOCTAW NATION

Act of Congress

Approved April 26. 1906

DECISION RENDERED JAN 9- 1907

REFUSED JAN 9- 1907

COPY OF DECISION FORWARDED APPLICANT JAN 9- 1907

Copy of Decision forwarded attorneys for Choctaw and Chickasaw Nations JAN 9- 1907

RECORD FORWARDED DEPARTMENT JAN 9- 1907

ACTION APPROVED BY SECRETARY OF INTERIOR FEB 23 1907

Notice of Departmental Action Forwarded Attorneys for Choctaw and Chickasaw Nations. APR 1- 1907

Notice of Departmental Action Mailed Applicant. APR 1- 1907

1035

NEW BORN #1035.

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Eathen Ray Segroves.....

as a citizen of

.....Choctaw..... Nation.

Approved..... 190...

.....

Commissioner.

Born Jan. 17, 1904.

Act of Congress approved
April 26, 1906.

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Filed Aug. 2, 1906.
Tams Bixby, Commissioner.

CHOCTAW

N.B.1035.

RECEIVED

JUL 9- 1906.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Eathen Ray Segroves [Here insert name of child], born on the 17th day of Jan 1904.

Name of Father: J. B. Segroves a citizen of the Choctaw Nation.

Name of Mother: Georgie Segroves a citizen of the [illegible] Nation.

Tribal enrollment of father Choctaw. Tribal enrollment of mother none.

Postoffice Paoli, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
17 District. }

I, Georgie Segroves, on oath state that I am 31 years of age and a citizen by marriage, of the Choctaw Nation; that I am the lawful wife of James B. Segroves, who is a citizen, by Blood, of the Choctaw Nation; that a male [Male or Female] child was born to me on 17th day of Jan. 1904.; that said child has been named Eathen Ray Segroves and was living March 4, 1906.

Georgie Segroves

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 2nd day of July 1906.

J. E. Hillman
Notary Public.

(SEAL)

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, D. Autry, a Physician, on oath state that I attended on Mrs. Georgie Segroves, wife of James B. Segroves on the 17 day of Jany 1904; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Eathen Ray Segroves

D. Autry, M. D.

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 5 day of July 1906.

(SEAL) D. G. Bartlett.
Notary Public.

23-1035.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Nathen Ray Segroves as a citizen by blood of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on July 9, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Nathen Ray Segroves as a citizen by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that Nathen Ray Segroves was born January 17, 1904, and is the son of James B. Segroves, who was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court November 28, 1904, in case No. 75 on the Tishomingo Docket thereof, and Georgie Segroves, a non-citizen white woman.

I am of the opinion that Nathen Ray Segroves is not entitled to enrollment as a citizen by blood of the Choctaw Nation, and that the application made for his enrollment as such should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

JAN 9 - 1907

23-1035

Muskogee, Indian Territory, January 9, 1907.

James E. Segroves,

Paoli, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Nathen Ray Segroves as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.
Inel. 23-1035.

23-1035

Muskogee, Indian Territory, January 9, 1907.

Mansfiled, McMurray, and Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Nathon Ray Segroves as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 23-1036.

Muskogee, Indian Territory, January 9, 1907.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Nathen Ray Segroves as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January, 9, 1907, denying said application.

Respectfully,

SIGNED *Tams Bixby*

Commissioner.

2 Incl. 23-1035

Through the
Commissioner of Indian Affairs.

J.P.

D.C.12307-1907. O.K.

DEPARTMENT OF THE INTERIOR, L.R.S.

WASHINGTON.

I.T.D.
24514-1906.
4632, 4712, 4718, 4794,
4830, 4836, 4606, 4646,
4708, 4714, 4730, 4818,
4826, 4830, 4834, 4840,
4844-07.

February 28, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed.

Title of Case.	Date of Your Letter of Transmittal.
Robert W. Baker,	August 10, 1906.
Georgia Neri Gray et al,	January 18, 1907.
Forbes Franklin Reynolds et al.,	November 21, 1906.
Lindsey Simpson,	January 9, 1907.
Clovera Hollis (Freedman),	February 2, 1907.
Elbert Franklin & William Curtis Shaw,	February 2, 1907.
Francis Lynch,	June 13, 1906.
Lawrence John,	January 21, 1907.
Dink Perall et al.,	January 26, 1907.
Joseph Fleming,	November 28, 1906.
Frank Obe and Ruby Jane Sullivan	January 9, 1907.
Mathew Ray Seymores,	January 9, 1907.
Thomas H. and William J. Barnes,	January 8, 1907.
Mary Ann LeFlore et al.,	July 26, 1906.
L. R. Coleman et al.,	January 9, 1907.
Jesse H. Wallace (intermarried),	January 21, 1907.
George Alton and Gracy May Parks,	January 9, 1907.
Lee Harrison Cooper, (Miss. Choc.),	December 15, 1906.

A copy hereof and the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson.

Assistant Secretary.

18 ins. and
36 for Ind. Of.

D.C.12307-1907. 944/305 (COPY-DeB) -COPY-

Refer in reply to the following:
Land.
3891-1907.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. February 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 9, 1907, transmitting the record relative to the application of Nathen R. Segroves for enrollment as a citizen by blood of the Choctaw Nation.

On July 9, 1906, application was made to the Commissioner for the enrollment of Nathen R. Segroves as a citizen by blood.

On January 9, 1907, the Commissioner held that the applicant was not entitled to enrollment.

The record shows that the applicant is the minor child of Georgie Segroves, a non-citizen, and James B. Segroves, who was denied enrollment as a citizen by blood of the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on November 28, 1904, in case No. 75.

By reason of the provisions of Section 2 of the Act of April 26, 1906 (34 Stat. L., 137), the decision of the Commissioner adverse to the applicant is recommended for approval.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

H.R.D.-NL

23-1035

Muskogee, Indian Territory, April 1, 1907.

James B. Segroves,

Paoli, Indian Territory.

Dear Sir:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Nathen Ray Segroves as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

23-1938

Muskogee, Indian Territory, April 1, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Nathen Ray Segroves as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

/

7-4959

Muskogee, Indian Territory, July 30, 1906.

James B. Segroves,

Paoli, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Georgie Segroves and W. C. Hottle to the birth of Earnest J. Segroves, child of James B. and Georgie Segroves, June 21, 1906.

Receipt is also acknowledged of the affidavits of Georgie Segroves and D. Autry to the birth of Nathen Ray Segroves, child of J. B. and Georgie Segroves, January 17, 1904.

Respectfully,

Commissioner.

Choc. Minor 1036
Mable M. Jones
Nellie C. Jones

M1036

1036

MINOR

CHOCTAW
ENROLLMENT
MABLE I. JONES
NELLIE C. JONES
As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26, 1906

REFUSED FEB 21 1907

RECORD FORWARDED DEPARTMENT
FEB 21 1907

ACTION APPROVED BY
SECRETARY OF INTERIOR MAR -4 1907

Notice of Departmental Action
Forwarded Attorneys for Choctaw
and Chickasaw Nations. APR 15 1907

Notice of Departmental
Action Mailed Applicant APR 15 1907

1036

N.B.1036.

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Mollie M. Jones.

as a citizen of

Choctaw Nation.

Approved..... 190...

.....

Commissioner.

Born Nov. 4 - 1902.
Act Apr. 26 - 1906
Dept. of Int.
Com. Five Civil. Tribes.
Filed
Aug. 14 - 1906
(Signed) Tom Bixby, Commissioner

7 N.B-1036 Rec'd July 23-06.

Copy

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Mable M. Jones [Here insert name of child] born on the 4 day of Nov. 1902.
Name of Father: Walter W. Jones a citizen of the Choctaw Nation.
Name of Mother Jennie Jones a citizen of the Intermarriage Nation.
Tribal enrollment of father Choctaw Tribal enrollment of mother
Postoffice Duncan Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
District 20 District.

I, Jennie Jones, on oath state that I am 33 yrs. years of age and a citizen by intermarriage of the Choctaw Nation;
that I am the lawful wife of Walter W. Jones, who is a citizen, by
Blood, of the Choctaw Nation; that a female [Male or Female] child was
born to me on 4 day of Nov. 1902; that said child has been named
Mable M. Jones and was living March 4, 1906.

Jennie Jones

WITNESSES TO MARK:

[Must be Two Witnesses] { C. D. Marlow
B. D. Chest.

Subscribed and sworn to before me this 12 day of July 1906.

Com Exp May 4-09 O. K. Stone
Notary Public.

(Seal)

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
21 District.

I, Mary Harris, a Midwife, on oath state that I
attended on Jennie Jones, wife of Walter W. Jones,
on the 4th day of Nov. 1902; that there was born to her on said date a female [Male or Female]
child; that said child was living March 4, 1906, and is said to have been named Mable M.
Jones.

Mary Harris

WITNESSES TO MARK:

[Must be Two Witnesses] {

Subscribed and sworn to before me this 20 day of July 1906.

(Seal) W. F. Majors
Notary Public.

N.B. 1036.

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Nellie O. Jones.

as a citizen of

Choctaw Nation.

Approved ..... 190...

.....

Commissioner.

Born July 17-05
act Apr. 26-06
Dept. of Int.
Comm. to Five Civil. Tribes
Filed
July 23-06
Signed Dana Bixby
Commissioner.

Received July 14-06.

Copy

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Nellie C. Jones [Here insert name of child] born on the 17 day of July 1905

Name of Father: Walter W. Jones a citizen of the Choctaw Nation.

Name of Mother: Jennie Jones a citizen of the Intermarriage Nation.

Tribal enrollment of father Choctaw Tribal enrollment of mother

Postoffice Duncan, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Pontotoc District.

I, Jennie Jones on oath state that I am 33 years years of age and a citizen by Intermarriage of the Choctaw Nation;

that I am the lawful wife of Walter W. Jones who is a citizen, by

Blood of the Choctaw Nation; that a Female [Male or Female] child was

born to me on 17 day of July 1905; that said child has been named

Nellie C. Jones and was living March 4, 1906.

Jennie Jones.

WITNESSES TO MARK:

[Must be Two Witnesses] { C. D. Marlow
B. D. Wear

Subscribed and sworn to before me this day of 1906.

(Seal)
Com Exp May 9- 09

O. H. Stone
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, S. H. Williamson a Physician on oath state that I attended on Mrs. Jennie Jones, wife of Walter W. Jones

on the 17 day of July 1905 that there was born to her on said date a Female [Male or Female]

child; that said child was living March 4, 1906, and is said to have been named Nellie C.

Jones.

S. H. Williamson M. D.

WITNESSES TO MARK:

[Must be Two Witnesses] { Myrtle Gibson
Grace Gamblin

Subscribed and sworn to before me this 12 day of July 1906.

My Com Exp. Feb. 13-08.
(Seal)

R. M. Gamblin
Notary Public.

23-1036
O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mable M. Jones, et al., as citizens by blood of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein that on July 23, 1906, applications were made to the Commissioner to the Five Civilized Tribes for the enrollment of Mable M. Jones and Nellie C. Jones as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein that said applicants were born on November 4, 1902, and July 17, 1905, respectively, and are the children of Walter W. Jones, who was denied citizenship in the Choctaw Nation by a decree of the Choctaw and Chickasaw Citizenship Court on November 28, 1904, in case No. 197 on the Tishomingo Docket of said Court, and whose application for enrollment as a citizen by blood of the Choctaw Nation was denied by the Commissioner to the Five Civilized Tribes on September 28, 1906, and Jennie Jones, whose application for enrollment as a citizen by intermarriage of the Choctaw Nation was dismissed by the Commission to the Five Civilized Tribes February 1, 1905.

I am, therfore, of the opinion that the applications for the enrollment of Mable M. Jones and Nellie C. Jones as citizens by blood of the Choctaw Nation, should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,
FEB 21 1907

23-1036.

COPY

Muskogee, Indian Territory, February 21, 1907.

Walter W. Jones,

Duncan, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 21, 1907, denying the application for the enrollment of Mable M. Jones and Nellie C. Jones as citizens by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 23-1036.

Registered.

23-1036.

COPY

Muskogee, Indian Territory, February 21, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 21, 1907, denying the application for the enrollment of Mable M. Jones and Nellie C. Jones as citizens by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Dixby

Commissioner.

Incl. 23-1036.

COPY

Muskogee, Indian Territory, February 21, 1907.

The Honorable,

The Secretary of the Interior:

Sir:-

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Mabbe M. Jones and Nellie C. Jones as citizens by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated February 21, 1907, denying said application.

Respectfully,

SIGNED Tams Bixby

Commissioner.

2 Incl.

Through the

Commissioner of Indian Affairs.

7-5103.

Muskogee, Indian Territory, July 21, 1906.

Walter W. Jones,

Duncan, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Jennie Jones and S. N. Williamson to the birth of Nellie C. Jones, child of Walter W. Jones and Jennie Jones, July 17, 1905.

Respectfully,

Commissioner.

7-5103.

Muskogee, Indian Territory, August 14, 1906.

Jennie Jones,

Duncan, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of the affidavits of Jennie Jones and Mary Harris to the birth of your minor child, Mable M. Jones on November 4, 1902.

Respectfully,

Commissioner.

DCS.

JP.
W.H.M.

D. C. 12854-1907.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. March 4, 1907.

I. T. D.
4398, 5188, 6184, 6928,
6952, 7112, 7450, 7452,
7456, 7464, 7494, 7496,
7664, 7688, 7692, 7706,
7710, 7722, 7726, 7732,
7740, 7760, 7756, 7818,
7870, 7832,--1907.
LRS.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases, adverse to the applicants, are hereby affirmed. Copies of Indian Office letters, submitting your reports and recommending that the decisions be affirmed, are enclosed herewith.

Title of Case.	Date of your letter of transmittal.
Carlton Smith (Miss. Choc.)	January 21, 1907.
Mattie McFarland (intermarriage),	October 19, 1906.
Elmer Meadows (freedman),	February 13, 1907.
Daniel Oscar Sledge, et al., (by blood),	February 14, 1907.
Hula Lewis (freedman),	February 14, 1907.
Henry Adams (freedman),	February 14, 1907.
Mattie Doak (intermarriage),	February 18, 1907.
Clyde R. Coleman (by blood),	February 21, 1907.
Alice Chatman (freedman),	February 21, 1907.
Jim Brown (freedman),	February 21, 1907.
John Frankling Brewer (by blood),	February 21, 1907.
Cordelia Frazier, et al. (freedmen),	February 21, 1907.
John Herbert LeFlore (freedman),	February 23, 1907.

Title of Case.	Date of your letter of transmittal.
Mabel M. Jones, et al. (by blood),	February 21, 1907.
Charles H. Hopkins, et al. (Choctaw or Chickasaw freedman)	February 23, 1907.
T. L. Reid, Jr., et al. (by blood),	February 26, 1907.
Albert James (by blood)	February 26, 1907.
Arella Colbert, et al. (as citizens),	February 26, 1907.
John D. Fleming (by blood),	February 26, 1907.
Edmond Macco Cohee (freedman),	February 26, 1907.
Temperence Caroline Batty (by blood),	February 26, 1907.
Ames Lewis (freedman),	February 26, 1907.
Mary A. Crowder (intermarriage)	February 26, 1907.
Gally Reives (freedman),	February 26, 1907.
W. J. Miller, et al. (Miss. Choc.),	February 7, 1903.
Henry Pruitt, et al.,	February 25, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

E. A. Hitchcock,

Secretary.

26 enclosures, and
63 enclosures to Ind. Of.,
with copy hereof.

WCF. 3-4-07.

Refer in reply to the following:

Land 19654-1907.

COPY

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby dated February 21, 1907, transmitting the record relative to the application of Mable M. Jones and Nellie C. Jones for enrollment as citizens by blood of the Choctaw Nation. On February 21, 1907, the Commissioner denied the application. An examination of the record shows that the position taken by the Commissioner is correct, and the approval of his decision is recommended.

Very respectfully,

C.F.Larrabee,

Acting Commissioner.

GAW-GH.

Choc. Minor 1037
Dema Barker

M1037

1037

MINOR

CHOCTAW

ENROLLMENT

DEMA BARKER

As Citizen of the

CHOCTAW NATION

Act of Congress

Approved April 26. 1906

DISMISSED JAN 4- 1907

COPY OF DECISION FORWARDED
Applicant JAN 4- 1907

Copy of Decision forwarded
Attorneys for Choctaw and
Chickasaw Nations JAN 4- 1907

1037

D.C.LL.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Dema Barker as a citizen by blood of the Choctaw Nation.

23-1037.

NEW BORN #1037.
190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Dema Barker

as a citizen of

Choctaw Nation.

Approved..... 190...

.....
Commissioner.

B.M. Jan 3, 1905 -

ACT OF [illegible] - 1906.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

AUG 7 - 1906

[illegible] COMMISSIONER.

CHOCTAW

RECEIVED
JUL 23 1906

BIRTH AFFIDAVIT 199 1 9

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Dema Barker, born on the 3rd day of January 1905.
[Here insert name of child]

Name of Father: S. E. Barker a now citizen of the Choctaw Nation.

Name of Mother: Abigail Barker Nee Crowder, a citizen of the Choctaw Nation.

Tribal enrollment of father 7 Tribal enrollment of mother Choctaw

Postoffice Bossvell Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Abigail Barker Nee Crowder, on oath state that I am 20 years of age and a citizen by blood of the Choctaw Nation; that I am the lawful wife of S. E. Barker, who is a now citizen, by ..... of the Choctaw Nation; that a female child was born to me on 3rd day of January 1905; that said child has been named Dema Barker and was living March 4, ~~1905~~ 1906.

Abigail Barker

WITNESSES TO MARK:

[Must be Two Witnesses] .....

.....

Subscribed and sworn to before me this 20th day of July 1906.

S. W. Duncan
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Minnie Brookes, a Mid-Wife, on oath state that I attended on Abigail Barker wife of S. E. Barker on the 3rd day of January 1905; that there was born to her on said date a female [Male or Female] child; that said child was living March 4, ~~1905~~ 1906 and is said to have been named Dema Barker

Minnie her X mark Brookes

WITNESSES TO MARK:

[Must be Two Witnesses] S. D. Duncan
F. W. Parker

Subscribed and sworn to before me this 20th day of January 1906.

S. W. Duncan
Notary Public.

32

IN RE
THE DEATH OF

Emma Bird,
a citizen of the
Choctaw Nation.

Approved 190

Commissioner.

AUG 14 1906

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Dema Barker (Here insert name of deceased.)

a citizen of the Choctaw Nation, who formerly resided at or near Boswell (Here insert name of postoffice.), Ind. Ter., and died on the 17" day of April, 1905.

AFFIDAVIT OF RELATIVE

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central DISTRICT.

I, S. E. Barker, on oath state that I am 31 years of age and a citizen, by nowr, of the Choctaw Nation; that my postoffice address is Boswell (Here insert name of postoffice.), Ind. Ter.; that I am the Father of Dema Barker (Here insert name of deceased.)

(State relationship: as the father; an uncle; a cousin, etc.

who was a citizen, by blood, of the Choctaw Nation and that said Dema Barker (Here insert name of deceased.) died on the 17" day of April, 1905.

S. E. Barker

WITNESSES TO MARK:

(Must Be Two Witnesses)

Subscribed and sworn to before me this 11" day of August, 1906.

S. H. Downing

Notary Public.

AFFIDAVIT OF ACQUAINTANCE

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central DISTRICT.

I, Sam Bench, on oath state that I am 27 years of age, and a citizen by blood of the Choctaw Nation; that my postoffice address is Boswell (Here insert name of postoffice.), Ind. Ter.; that I was personally acquainted with Dema Barker (Here insert name of deceased.) who was a citizen, by blood, of the Choctaw Nation; and that said Dema Barker (Here insert name of deceased.) died on the 17 day of April, 1905.

Sam Bench

WITNESSES TO MARK:

(Must Be Two Witnesses)

Subscribed and sworn to before me this 11" day of August, 1906.

S. H. Downing

Notary Public.

23-1037.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Dema Barker as a citizen by blood of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein that on July 23, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Dema Barker as a citizen by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records of this office that the applicant, Dema Barker, was born January 3, 1905 and is the daughter of Abigail Barker, whose name appears, as Abigail Crowder, opposite No. 11900 on the final roll of citizens by blood of the Choctaw Nation approved by the Secretary of the Interior August 25, 1905 and C. E. Barker, a non-citizen.

It further appears from the record herein and from the records of this office that the said Dema Barker died on April 17, 1906, and that no application was made for the enrollment of said applicant as a citizen by blood of the Choctaw Nation under the provisions of the Act of Congress approved March 3, 1905 (33 Stats., 1070), or within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

I am of the opinion that inasmuch as Dema Barker was not living March 4, 1906, the application made for her enrollment as a citizen by blood of the Choctaw Nation should be dismissed in accordance with the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,
JAN 4- 1907

23-1037

COPY.

Muskogee, Indian Territory, January 4, 1907.

S. E. Barker,

Boswell, Indian Territory.

Dear Sir:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 4, 1907, dismissing the application for the enrollment of Dema Barker as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.
23-1037.

23-1037

COPY.

Muskogee, Indian Territory, January 4, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen.

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 4, 1907, dismissing the application for the enrollment of Dema Barker as a citizen by blood of the Choctaw Nation.

Respectfully,

Tams Bixby

23-1037. Commissioner.

7-1449

Muskogee, Indian Territory, August 7, 1906.

S. E. Barker,

Roswell, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of the affidavits of Abigail Barker and Minnie Brokus to the birth of Dena Barker, child of S. E. and Abigail Barker, January 3, 1905.

It is stated in the affidavits that said child was living on March 4, 1905, and you are advised that under the Act of Congress approved April 26, 1906, only those children who were living on March 4, 1906, are entitled to enrollment.

For the purpose of making the death of Dena Barker a matter of record there is enclosed you herewith a blank death certificate which you will please have executed and return to this office at the earliest date practicable.

Respectfully,

D. C.

Commissioner.

Muskogee, Indian Territory, August 23, 1906.

S. E. Barker,

Boswell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your affidavit and the affidavit of Sam Benon to the death of Dema Barker a citizen of the Choctaw Nation which occurred April 17, 1905.

It is stated in your affidavit that Dema Barker was a citizen by blood of the Choctaw Nation. If this is correct you are requested to give the full names of her parents, the time and place application was made for her enrollment and if she has selected an allotment of the lands of the Choctaw or Chickasaw Nation give her rollnumber as the same appears upon her allotment certificate.

Respectfully,

Commissioner.

Choc. Minor 1038
Frankie Buck

M1038

MINOR

CHOCTAW

ENROLLMENT

FRANKIE BUCK

A citizen of the

CHOCTAW Nation

Act of Congress

Approved April 26, 1906

DECISION RENDERED JAN 9- 1907

REFUSED JAN 9- 1907

COPY OF DECISION FORWARDED APPLICANT JAN 9- 1907

Copy of Decision Forwarded Attorneys for Choctaw and Chickasaw Nations. JAN 9- 1907

RECORD FORWARDED DEPARTMENT JAN 9- 1907

ACTION APPROVED BY SECRETARY OF INTERIOR FEB 28 1907

Notice of Departmental Action forwarded Attorneys for Choctaw and Chickasaw Nations. APR 11 1907

Notice of Departmental Action mailed Applicant APR 11 1907

N B 1038 190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Frankie Buck.....

as a citizen of

Choctaw ..... Nation.

Approved..... 190...

.....
Commissioner.

Born Nov. 25, 1905.

Act of Congress approved April 26, 1906.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

F I L E D

MAY 5, 1906.

Tams Bixby, Commissioner.

Choctaw N.B. 1038 Received May 2, 1906.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Frankie Buck [Here insert name of child], born on the 25 day of November 1905.

Name of Father George Piper Buck a citizen of the Choctaw Nation.

Name of Mother Ada C. Buck a citizen of the non-citizen. Nation.

Tribal enrollment of father ..... Tribal enrollment of mother .....

Postoffice Gordonville, Texas.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
State of Texas
County of Grayson District.

I, Ada Buck, on oath state that I am 30 years of age and a citizen by non-citizen of the ..... Nation; that I am the lawful wife of George Piper Buck, who is a citizen, by blood, of the Choctaw Nation; that a female [Male or Female] child was born to me on 25 day of Novamber 1905.; that said child has been named Frankie Buck and was living March 4, 1906.

Ada C. Buck.

WITNESSES TO MARK:

[Must be Two Witnesses]
Mrs. Mattie A. Owens
Mrs Mary Cox.

Subscribed and sworn to before me this 30 day of April 1906.

D. C. Osborn J.V.
ex officio
Notary Public.

(SEAL)

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
State of Texas
County of Grayson District.

I, Dr. C. D. Price, a M. D., on oath state that I attended on Ada C. Buck, wife of George Piper Buck on the 25 day of Novamber 905.; that there was born to her on said date a female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Frankie Buck

C. D. Price, M. D.

WITNESSES TO MARK:

[Must be Two Witnesses]
Mrs Mattie A. Owens
Mrs Mary Cox.

Subscribed and sworn to before me this 30 day of April 1906.

D. C. Osborne J. V.
Ex officio
Notary Public.

(SEAL)

23-1038

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Frankie Buck as a citizen by blood of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein that on May 2, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Frankie Buck as a citizen by blood of the Choctaw Nation.

It further appears from the record herein and from the records in the possession of this office that Frankie Buck was born November 25, 1905, and is the son of George Piper Buck, who was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court June 29, 1904, in case No. 97 on the Tishomingo Docket thereof, and Ada C. Buck, whose application for enrollment as a citizen by intermarriage of the Choctaw Nation was dismissed by the Commission to the Five Civilized Tribes October 25, 1904, said Ada C. Buck claiming her right to enrollment as such through the said George Piper Buck.

I am of the opinion that Frankie Buck is not entitled to enrollment as a citizen by blood of the Choctaw Nation and that his application for enrollment as such, should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

JAN 9 - 1907.

23-1038

Muskogee, Indian Territory, January, 9, 1907.

George Piper Buck,

Gordonville, Texas.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9m 1907, denying the application for the enrollment of Frankie Buck as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Registered.

Incl. 23-1038

23-L038

Muskogee, Indian Territory, January 9, 1907.

Mansfield, McMurray, and Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Frankie Buck as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Commissioner.

Incl. 23-1038.

Muskogee, Indian Territory, January 9, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Frankie Buck as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 9, 1907, denying said application.

Respectfully,

SIGNED

Commissioner.

2 incl. 23-1038

Through the
Commissioner of Indian Affairs.

D.C. 12436.
d

J.P.

DEPARTMENT OF THE INTERIOR,

I.T.D. WASHINGTON.
4990, 5020, 5024, 5088, 5090- 07.
5092, 5110, 5116, 5118, 5178- "

February 28, 1907.

LRS.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
Alfred Pyburn,	January 9, 1907.
Frankie Buck,	January 9, 1907.
Arizona Pearl Sanders,	January 9, 1907.
Esther J. Buchanan,	January 16, 1907.
James O. Rumley,	December 1, 1906.
Jackson R. Lewis,	December 1, 1906.
Dora J. Smith,	January 23, 1907.
Mary Fitch,	January 14, 1907.
Jeff Sampson,	January 21, 1907.
Allen Wright, (Freedman)	January 23, 1907.

Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed, are inclosed.

A copy hereof and all the papers in the above-mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

10 inc. and 20 for Ind. Of. Assistant Secretary.

AFMc.
3-1-07.

Refer in reply to the following. 948/116 -Copy-

DEPARTMENT OF THE INTERIOR,

Land. OFFICE OF INDIAN AFFAIRS,
3892-1907.

WASHINGTON. February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 9, 1907, transmitting the record relative to the application of Frankie Buck, for enrollment as a citizen by blood of the Choctaw Nation.

On May 2, 1906, application was made to the Commissioner for the enrollment of Frankie Buck as a citizen by blood. On January 9, 1907, the Commissioner held that the applicant was not entitled to enrollment.

The record shows that the applicant is the minor son of George Piper Buck, who was denied enrollment as a citizen by blood of the Choctaw Nation, by the Choctaw and Chickasaw Citizenship Court on June 29, 1904, in case No. 97, and Ada C. Buck, who claims to be entitled to enrollment as a citizen by intermarriage of the Choctaw Nation.

This does not come within the decision of the Department of February 10, 1905 (I. T. D. 10353-1904), in the case of Loula West, as neither of the parents of the applicant had a tribal status in 1896.

In view of the provisions of Section 2 of the Act of April 26, 1906 (34 Stat. L., 137), the decision of the Commissioner adverse to the applicant is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M. R. D. -ML.

23-1038

Muskogee, Indian Territory, April 11, 1907.

George Piper Buck,

Gordonville, Texas.

Dear Sir:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of January 9, 1907, denying the application for the enrollment of Frankie Buck as a citizen by blood of the Choctaw Nation.

Respectfully,

ACTING Geo. D. Rodgers.
Commissioner.

23-1038

Muskogee, Indian Territory, April 11, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of January 9, 1907, denying the application for the enrollment of Frankie Buck as a citizen by blood of the Choctaw Nation.

Respectfully,

ACTING Geo. [illegible]

Commissioner.

7-5241

Muskogee, Indian Territory, May 4, 1906.

George Piper Buck,

Gordonville, Texas,

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Ada C. Buck and C. D. Price M. D., to the birth of Frankie Buck, child of George Piper and Ada C. Buck, November 25, 1905.

Respectfully,

Acting Commissioner.

Choc. Minor 1039
Thomas Virgil Bottoms
Mable Naomi "

M1039

MINOR

CHOCTAW

ENROLLMENT

THOMAS VIRGIL BOTTOMS
MABLE JANE "

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26, 1906

DECISION APPROVED JAN 7- 1907
REFUSED JAN 8- 1907

COPY OF DECISION AWARDED
APPLICANT JAN 9- 1907

Copy of Decision forwarded
Attorneys for Choctaw and
Chickasaw Nations. JAN 9- 1907

RECORD FORWARDED DEPARTMENT
JAN 9- 1907

ACTION APPROVED BY
SECRETARY OF INTERIOR MAR 1- 1907

Notice of Departmental Action
Forwarded Attorneys for Choctaw
and Chickasaw Nations MAR 15 1907

Notice of Departmental
Action Mailed Applicant MAR 1- 1907

N. B. 1039.

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Thomas Virgil Bottoms

as a citizen of

Choctaw Nation.

Approved..... 190...

.....
Commissioner.

Born Feb. 14, 1904.

Act of Congress appr. Apr. 26, 06.
Department of the Int.
Commissioner to the Five Civil. Tribes.
F I L E D
MAY 24, 06.
Tams Bixby, Comm'r.

Choc. N.B. 1039. Recd. May 17, 06.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Thomas Virgil Bottoms (Here insert name of child) born on the 14 day of Feby 904

Name of Father: William A. Bottoms a citizen of the Choctaw Nation.

Name of Mother Cyrena Ethel Bottoms a citizen of the Nation.

Tribal enrollment of father Tribal enrollment of mother

Postoffice Roff, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, Cyrena Ethel Bottoms, on oath state that I am 33 years of age and a citizen by marriage, of the Choctaw Nation; that I am the lawful wife of William A. Bottoms, who is a citizen, by blood, of the Choctaw Nation; that a male (Male or Female) child was born to me on 14 day of Feby, 1904.; that said child has been named Thomas Virgil Bottoms. and was living March 4, 1906.

Cyrena Ethel Bottoms.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 9 day of May 1906.

John A. Clark
Notary Public.

(SEAL)

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, J. W. Gilbert, a Physician, on oath state that I attended on Cyrene A. Bottoms, wife of William A. Bottoms on the 14 day of Faby. 1.904; that there was born to her on said date a male (Male or Female) child: that said child was living March 4, 1906, and is said to have been named Thomas Virgil Bottoms.

J. W. Gilbert

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 9th day of May 1906.

John A. Clark
Notary Public.

(SEAL)

N. B. 1039.

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Mary Naomi Bottoms.

as a citizen of

Choctaw Nation.

Approved..... 190...

.....
Commissioner.

Born June 21, 1905

Act of Congressapproved Apr. 26, 06.

Department of the Interior
Commissioner to the Five Civilized Tribes.

F I L E D

MAY 24, 1906.

Tams Bixby, Commissioner.

Choctaw
N.B. 1039

Received
May 17, 1906.

BIRTH AFFIDAVIT. 190

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Mary Naomi Bottoms [Here insert name of child], born on the 21 day of June 1905.

Name of Father: William A. Bottoms a citizen of the Choctaw Nation.

Name of Mother Cyrena Ethel Bottoms a citizen of the Nation.

Tribal enrollment of father Tribal enrollment of mother

Postoffice Roff, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, Cyrena Ethel Bottoms, on oath state that I am 33 years of age and a citizen by Marriage, of the Choctaw Nation; that I am the lawful wife of William A. Bottoms, who is a citizen, by blood, of the Choctaw Nation; that a female [Male or Female] child was born to me on 21 day of June 1905; that said child has been named Mary Naomi Bottoms, and was living March 4, 1906.

Cyrene Ethel Bottoms.

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 9th day of May 1906.

John A. Clark
Notary Public.

(SEAL)

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, J. L. Jeffries, a Physician, on oath state that I attended on Cyrena E. Bottoms, wife of William A. Bottoms, on the 21 day of June 1905; that there was born to her on said date a female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Mary Naomi Bottoms

J. L. Jeffries, M. D.

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 9th day of May 1906.

John A. Clark.
Notary Public.

(SEAL)

23-1039.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Thomas Virgil Bottoms, et al., as citizens by blood of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on May 17, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Thomas Virgil Bottoms and Mary Naomi Bottoms as citizens by blood of the Choctaw Nation.

It further appears from the record herein and from the records in the possession of this office that Thomas Virgil Bottoms and Mary Naomi Bottoms were born February 14, 1904, and June 21, 1905, respectively, and are the children of William A. Bottoms, who was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court November 28, 1904, in case No. 75 on the Tishomingo Docket thereof, and Cyrena Ethel Bottoms, whose application for enrollment as a citizen by intermarriage of the Choctaw Nation was dismissed by the Commission to the Five Civilized Tribes February 9, 1905; the said Cyrena Ethel Bottoms claiming her right to enrollment as such through the said William A. Bottoms.

I am of the opinion that Thomas Virgil Bottoms and Mary Naomi Bottoms are not entitled to enrollment as citizens by blood of the Choctaw Nation, and that their application for enrollment as such should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

_____.

23 1039

COPY.

Muskogee, Indian Territory, January 9, 1907.

William A. Bottoms,

Roff, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Thomas Virgil Bottoms and Mary Naomi Bottoms as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The Final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl. 23-1039.

23-1039

Muskogee, Indian Territory, January 9, 1907.

Mansfield, McMurray and Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Dear Sirs:

Inclosed herewith you will find a copy of the decision of the Commissioner of the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Thomas Virgil Bottoms and Mary Naomi Bottoms as citizens by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Incl. 23-1039.

Muskogee, Indian Territory, January 9, 1907.

The Honorable,

Secretary of the Interior.

Sir:

There is transmitted herewith recors of proceedings in the matter of the application for the enrollment of Thomas Virgil Bottoms and Mary Naomi Bottoms as citizens by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 9, 1907, denying said application.

Respectfully,

Commissioner.

2 Incl. 23)1039

Through the
Commissioner of Indian Affairs.

Y.P.

S.P.

DEPARTMENT OF THE INTERIOR,

L RS.
D.C. 12308-1907. WASHINGTON.
I.T.D.
5004, 5128, 5130, 5144, 5292-1907.
5296, 5310, 5326, 5330, 5360- "
5392, 5412, 5446, 5474, 5494- "
5500, 5504, 5506, 5512, 5516- "
5550, 5574, 5580, 5584, 5586- " March 1, 1907.
5588, 5592, 5596, 5604, 5614- "
5610, 5640, 5618, 5628, 5632- "
5362-1907. 21246-1906.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of your letter of transmittal.
Bonnie Edmondson	January 16, 1907.
Josephine Lebun, et al.	February 9, 1907.
Asro Allen Harvey, et al.(Freedmen)	February 7, 1907.
Jodie Lee Hancock,	February 6, 1907.
James Louis Rogers, et al.,	January 28, 1907.
Porter Buckner (freedman)	February 8, 1907.
Esther James (freedman)	February 8, 1907.
Nolsie Butler, et al.	February 7, 1907.
Verna Dunlap, et al.	January 28, 1907.
Betty Prince, et al.	June 26, 1906.
Dave Newby, et al.	January 29, 1907.
John Henry Sanders, et al. (freedmen)	January 26, 1907.
Lois Lucile Ray	January 9, 1907.
Erskin Parks, et al.	January 11, 1907.
David D. Tidwell, et al.	January 9, 1907.
A. J. Crowson, et al.	January 25, 1907.
Ader Williams, et al. (freedmen)	February 8, 1907.

Title of cases.	Date of your letter of transmittal.
Mary Henry	January 26, 1907.
Edith Paul, et al.	January 26, 1907.
Willie J. Walker, et al.	January 4, 1907.
Martha McCoy (freedman)	January 31, 1907.
Thomas Virgil Bottoms, et al.	January 9, 1907.
Augustus Burris (freedman)	February 8, 1907.
James Wilson Welch	January 28, 1907.
Vara L. Dillard	January 28, 1907.
Sammie Morris (freedman)	February 8, 1907.
Chesateanie Pearce	December 24, 1906.
Alta A. Brown, et al.	January 29, 1907.
William Henry Riddle	January 26, 1907.
Lula Ronton Bond, et al.	December 22, 1906.
Manima Maud Carrel	January 28, 1907.
Ruther Ervin, et al.	November 10, 1906.
Harrison Robison	December 24, 1906.
Geroge Robinson, et al.	December 24, 1906.
Carvenia Clark	November 10, 1906.
James King	January 26, 1907.
Nettie Brown, et al.	June 15, 1906.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson.

Assistant Secretary.

37 inclosures, and
74 to Ind. Of.

A.F. MG
2-1-07

Refer in reply to the
following.

DEPARTMENT OF THE INTERIOR,

D. C. 12308-1907. OFFICE OF INDIAN AFFAIRS,
Land
3886-1907. WASHINGTON.

February 26, 1907.

(Copy).

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 9, 1907, enclosing record in the matter of the application for the enrollment of Thomas Virgil Bottums and Mary Naomi Bottoms, as citizens by blood of the Choctaw Nation, including the decision of the Commissioner dated January 9, 1907, denying the application.

It appears from the record herein that application was duly made to the Commissioner to the Five Civilized Tribes on May 17, 1906, for the enrollment of Thomas Virgil Bottoms and Mary Naomi Bottoms, as citizens by blood of the Choctaw Nation.

It further appears that Thomas Virgil Bottoms was born on February 14, 1904, and Mary Naomi Bottoms on June 21, 1905, and are the children of William A. Bottoms, who was denied citizenship in the Choctaw Nation by the Choctaw-Chickasaw Court November 28, 1904, in case No. 75 on the Tishomingo Docket thereof, and Cyrena Ethel Bottums, whose application for enrollment as a citizen by intermarriage of the Choctaw Nation was dismissed by the Commissio

to the Five Civilized Tribes on February 9, 1905, she claiming her right to enrollment as such through her marriage to William A. Bottoms.

Under the provisions of Section 2 of the Act of Congress approved April 26, 1906 (34 Stat. L., 137), which provides for the receipt of applications for the enrollment of minors "whose parents have been enrolled as members of the Choctaw x x x tribes, or have applications for enrollment pending at the approval hereof", these children are not entitled to be enrolled as citizens by blood of the Choctaw Nation, for the reason that neither of their parents are enrolled citizens or have applications pending, and the decision of the Commissioner to the Five Civilized Tribes, dated January 9, 1907, denying their application, is correct, and it is recommended that it be affirmed.

Very respectfully,

G. F. Larrabee

Acting Commissioner.

EWR--SD

Commissioner.

23-1089

Muskogee, Indian Territory, April 1 , 1907.

William A. Bottoms,

Boff, Indian Territory.

Dear Sir:

You are hereby advised that on March 1, 1907, the Secretary of the Interior affirmed the decision of this office of January 7, 1907, denying the application for the enrollment of Thomas Virgil Bottoms and Mary Naomi Bottoms as citizens of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

ACTING Commissioner.

23-1039

Muskogee, Indian Territory, April 13, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 1, 1907, the Secretary of the Interior affirmed the decision of this office of January 9, 1907, denying the application for the enrollment of Thomas Virgil Bottoms and Mary Naomi Bottoms as citizens of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

ACTING Commissioner.

Choc. Minor 1040
Teddy Boon Brown

M 1040

1040

MINOR

CHOCTAW

ENROLLMENT

TEDDY BOON BROWN

As Citizen of the

CHOCTAW NATION

Act of Congress

Approved April 26, 1906

DECISION RENDERED	JAN 10 1907
REFUSED	JAN 10 1907
COPY OF DECISION FORWARDED APPLICANT	JAN 10 1907
Copy of Decision Forwarded Attorneys for Choctaw and Chickasaw Nations	JAN 10 1907
RECORD FORWARDED DEPARTMENT	JAN 10 1907
ACTION APPROVED BY SECRETARY OF INTERIOR	FEB 28 1907
Notice of Departmental Action Forwarded Attorneys for Choctaw and Chickasaw Nations.	APR 15 1907
Notice of Departmental Action Mailed Applicant.	APR 15 1907

1040

N. B. 1040

19

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

...Teddy Boon Brown.....

as a citizen of

...Choctaw..... Nation.

Approved..... 190...

.....
Commissioner.

Born Oct. 17, 1904.

Act of Con. appr. Apr. 26, 06.

Dept. of the Int.
Comm'r to the Five Civil. Tribes.

F I L E D
JUNE 4, 1906.

Tams Bixby, Comm'r.

Pauls Valley, I.T.
Choctaw NB 1040 Recd. May 23, 1906.

WITH AFFIDAVIT. /199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Teddy Boon Brown [Here insert name of child], born on the 17 day of October 1904.

Name of Father: Robert L. Brown a citizen of the Choctaw Nation.

Name of Mother Hester M. Brown a citizen of the Nation.

Tribal enrollment of father Court Claimant Tribal enrollment of mother

Father of Robert L. Brown Thomas Pitchlyn Brown.

Postoffice Lindsay, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Hester M. Brown, on oath state that I am 26 years of age and a citizen by , of the Nation; that I am the lawful wife of Robert L. Brown, who is a citizen, by blood, of the Choctaw Nation; that a male [Male or Female] child was born to me on 17 day of October 1904.; that said child has been named Teddy Boon Brown and was living March 4, 1906.

Hester M. Brown.

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 21st day of May 1906.

F. E. Rice.

(SEAL) Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, S. W. Wilson, a Physician, on oath state that I attended on Hester M. Brown, wife of Robert L. Brown on the 17 day of October 1904; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Teddy Boon Brown

S. W. Wilson, M.D.

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 23rd day of May 1906.

My Com. Exp. Dec. 4, 1907. F. E. Rice

(SEAL) Notary Public.

23-1040.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Teddy Boon Brown as a citizen by blood of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein that on May 23, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Teddy Boon Brown as a citizen by blood of the Choctaw Nation.

It further appears from the record herein and from the records in the possession of this office that Teddy Boon Brown was born October 17, 1904, and is the son of Robert L. Brown, who, as Robert Brown, was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court January 25, 1904, in case No. 33 on the South McAlester Docket thereof, and Hester M. Brown, a non-citizen.

I am of the opinion that Teddy Boon Brown is not entitled to enrollment as a citizen by blood of the Choctaw Nation, and that his application for enrollment as such, should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory.

JAN 10 1907

23-1040

Muskogee, Indian Territory, January 10, 1907.

Robert L. Brown,

Lindsay, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 10, 1907, denying the application for the enrollment of Teddy Boom Brown as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl. 23-1040

23-1040

Muskogee, Indian Territory, January 10, 1907.

Mansfield, McMurray, and Cornish,
Attorneys for the Chootaw and Chickasaw Nations,
South McAlester, Indian Territory.

Dear Sirs:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 10, 1907, denying the application for the enrollment of Teddy Boon Brown as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 23-1040.

Muskogee, Indian Territory, January 10, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Teddy Boon Brown as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying said application.

Respectfully,

Tams Bixby

Commissioner.

2 inel. 23-1040.

Through the
Commissioner of Indian Affairs.

JP.
D. C. 12434-1907. FWH.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. February 28, 1907.

I. T. D. 4856,4876,4882,4884,4886-07.
4972,4978,4986,4992,5002- "
5008,5014,5094,5100,5112- "
5122,5096, - "

LRS.
DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed, viz:

Title of Case.	Date of your letter of transmittal.
Merrill and Elizabeth Jackson (Freedmen),	February 8, 1907.
Teddy Roen Brown,	January 10, 1907.
Clarence R. Pickens,	January 9, 1907.
Dallas Edgar Betts,	November 28, 1906.
Dottie May Brimage,	November 28, 1906.
Cicero Henry Bernard,	December 21, 1906.
James Jackson,	November 8, 1906.
Charles M. Avery (Intermarried),	January 16, 1907.
Lewis Sledge,	January 9, 1907.
Dick Woodall, et al.,	January 26, 1907.
Willie O. and Samuel S. McFadden,	January 16, 1907.
Ernest L. Worthy, et al.,	December 1, 1906.
Frank Wise, et al.,	January 30, 1907.
Matty Dell Louise McCarty,	January 16, 1907.
Willie Edmond Segreves,	January 23, 1907.
Jack Fulton,	December 21, 1906.
Larence Shoals, (freedman)	February 9, 1907.

Copies of Indian Office letters submitting your reports and recommending that the decisions be approved, are inclosed.

A copy hereof and all the papers in the above-mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

17 ins. and
34 for Ind. Of.
A F Mc.
3-1-07.

Refer in reply to the
following:

DEPARTMENT OF THE INTERIOR

Land
3861-1907
D.C.12436-07

OFFICE OF INDIAN AFFAIRS

WASHINGTON February 23, 1907.

(COPY)

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribed, dated January 10, 1907, enclosing the record in the matter of the application for the enrollment of Teddy Boen Brown as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner dated January 10, 1907, denying the application.

It appears from the record herein that application was duly made to the Commissioner to the Five Civilized Tribes on May 23, 1906, for the enrollment of Teddy Boen Brown as a citizen by blood of the Choctaw Nation.

It further appears from the record that Teddy Boen Brown was born October 7, 1904, and is the son of Robert L. Brown, who, as Robert Brown, was denied citizenship in the Choctaw Nation by the Choctaw-Chickasaw Court January 25, 1904, in case No. 33 on the South McAlester docket thereof, and Hester M. Brown, a non-citizen.

Since the applicant was not a child "whose parents have been enrolled as members of the Choctaw x x x x tribe, or had applications for enrollment pending at the approval thereof,"

the Office is of the opinion that under the provisions of the Act of April 26, 1906 (34 Stat.L., 137), the applicant is not entitled to enrollment, and that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the application, is correct, and it is recommended that it be affirmed.

Very respectfully,

C.F.Larrabee

Acting Commissioner.

EWE--SD

23-1040

Muskogee, Indian Territory, April 15, 1907.

Robert L. Brown,

Lindsay, Indian Territory.

Dear Sir:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of January 10, 1907, de ying the application for the enrollment of Teddy Boon Brown as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

23-1040

Muskogee, Indian Territory, April 15, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of January 10, 1907, denying the application for the enrollment of Teddy Boon Brown as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

Choc. Minor 1041
Thomas H. Barnes
William J. Barnes

M1041

1011

MINOR

CHOCTAW

ENROLLMENT

THOMAS H. BARNES

WILLIAM J. BARNES

As Citizen of the

CHOCTAW NATION

Act of Congress

Approved April 26. 1906

DECISION RENDERED	JAN -8 1907
REFUSED	JAN -8 1907
COPY OF DECISION FORWARDED APPLICANT	JAN -8 1907
Copy of Decision Forwarded Attorneys for Choctaw and Chickasaw Nations.	JAN -8 1907
RECORD FORWARDED DEPARTMENT	JAN -8 1907
ACTION APPROVED BY SECRETARY OF INTERIOR	FEB 28 1907
Notice of Departmental Action Forwarded Attorneys for Choctaw and Chickasaw Nations	APR 1- 1907
Notice of Departmental Action Mailed Applicant	APR 1- 1907

1011

NB 1041. 190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

....William J. Barnes.....

as a citizen of

.....CHOCTAW..... Nation.

Approved..... 190...

.....

Commissioner.

Born Oct 17 05.

F I L E D JUL 10, 1906.
Tams Bixby, Comm'r.

CHOCTA NB 1041. Rec'd. Jun 25, 06.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of William J. Barnes [Here insert name of child] born on the 17 day of October 1905

Name of Father: Charley B. Barnes a citizen of the US Nation.

Name of Mother Mary E. Barnes a citizen of the Choctaw Nation.

Tribal enrollment of father ..Tribal enrollment of mother

Postoffice Rush Springs, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, Mary E. Barnes, on oath state that I am 29 years of age and a citizen by blood, of the Choctaw Nation; that I am the lawful wife of Charley B. Barnes, who is a citizen, by ....., of the United States Nation; that a male [Male or Female] child was born to me on 17 day of October 1905.; that said child has been named William J. Barnes. and was living March 4, 1906.

X Mary E. Barnes.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 26 day of May 1906.

(SEAL)

J. L. Lindsey,
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, P. J. Hampton, a Physician, on oath state that I attended on Mary E. Barnes, wife of Charley B. Barnes on the 17 day of Oct. 1905; that there was born to her on said date a male [Male or Female] child: that said child was living March 4, 1906, and is said to have been named William J. Barnes.

J. P. Hampton, M. D.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 26 day of May 1906.

(SEAL)

J. L. Lindsey
Notary Public.

N. B. 1041.

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Thomas H. Barnes

as a citizen of

Choctaw Nation.

Approved..... 190...

.....
Commissioner.

Born Jan 20, 1903.

Act of Con. Appvd. Apr. 26. 06.

F I L E D JUL 10, 1906.

Tams Bixby, Comm'r.

Choctaw NB 1041. Recd. Jun 25, 06.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

Thomas H. Barnes [Here insert name of child], born on the 20 day of January 903

Name of Father: Charley B. Barnes a citizen of the U.S. Nation.

Name of Mother: Mary E. Barnes E a citizen of the Choctaw Nation.

Tribal enrollment of father ..... Tribal enrollment of mother .....

Postoffice Rush Springs, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, Mary E. Barnes, on oath state that I am 29 years of age and a citizen by blood, of the Choctaw Nation; that I am the lawful wife of Charley B. Barnes, who is a citizen, by ....., of the U. S. Nation; that a male [Male or Female] child was born to me on 20 day of January 1903.; that said child has been named Thomas H. Barnes and was living March 4, 1906.

X Mary E. Barnes.

WITNESSES TO MARK:

[Must be Two Witnesses] .....

.....

Subscribed and sworn to before me this 26 day of May 1906.

(SEAL) J. L. Lindsey

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, Dr. H. A. Castleberry, a Physician, on oath state that I attended on Mary E. Barnes, wife of Charley B. Barnes on the 20 day of January 1903.; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Thomas H. Barnes

XX H. A. Castleberry.

WITNESSES TO MARK:

[Must be Two Witnesses] A.L. Stephens

A. F. ADuin

Subscribed and sworn to before me this 20 day of June 1906.

(SEAL) B. F. Sanders

Notary Public.

83-1041.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Thomas H. Barnes, et al., as citizens by blood of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein that on June 25, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Thomas H. Barnes and William J. Barnes as citizens by blood of the Choctaw Nation.

It further appears from the record herein and from the records in the possession of this office that Thomas H. Barnes and William J. Barnes were born January 20, 1903, and October 17, 1905, respectively, and are the children of Mary E. Barnes, who, as Mary Brown, was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court January 25, 1904, case No. 33 on the South McAlester Docket thereof, and Charley B. Barnes, a non-citizen white man.

I am of the opinion that Thomas H. Barnes and William J. Barnes are not entitled to enrollment as citizens by blood of the Choctaw Nation, and that their application for enrollment as such, should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,
JAN 8 1907

23-1041

Muskogee, Indian Territory, January 8, 1907.

Charley B. Barnes,

Rush Springs, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 8, 1907, denying the application for the enrollment of Thomas H. and William J. Barnes as citizens by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Registered.

Incl. 23-1041.

23-1041

Muskogee, Indian Territory, January 8, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen;-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 8, 1907, denying the application for the enrollment of Thomas H. Barnes and William J. Barnes, as citizens by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 23-1041.

COPY.

Muskogee, Indian Territory, January 8, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Thomas H. Barnes and William J. Barnes as citizens by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 8, 1907, denying said application.

Respectfully,

Tams Bixby

Commissioner.

2 Encl. 23-1041.

Through the Commissioner of

Indian Affairs.

D.C.12307-1907. (COPY-DnB) O.K. J.P.

DEPARTMENT OF THE INTERIOR.

L.RS. WASHINGTON.

I.T.D.

24516-1906.
4632, 4712, 4718, 4734,
4820, 4836, 4408, 4646,
4708, 4714, 4730, 4818,
4824, 4830, 4834, 4848,
4844-07.

February 28, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed.

Title of Case.	Date of your Letter of Transmittal.
Egbert W. Baker,	August 10, 1906.
Georgia Merl Gray et al,	January 18, 1907.
Perbus Franklin Reynolds et al.,	November 21, 1906.
Lindsey Simpson,	January 9, 1907.
Clevera Wallis (Freedman),	February 2, 1907.
Elbert Franklin & William Curtis Shaw,	February 2, 1907.
Francis Lynch,	June 13, 1906.
Laurence John,	January 21, 1907.
Dink Foxall et al.,	January 26, 1907.
Joseph Fleming,	November 22, 1906.
Frank Obe and Ruby Jane Sullivan,	January 9, 1907.
Nathan Ray Segreves,	January 9, 1907.
Thomas H.and William J.Barnes,	January 8, 1907.
Mary Ann Lefliore et al.,	July 25, 1906.
L. R. Coleman et al.,	January 9, 1907.
Jesse H. Wallace (intermarried),	January 21, 1907.
George Alton and Grace May Parks,	January 9, 1907.
Lee Harrison Cooper, (Miss. Choc.),	December 15, 1906.

A copy hereof and the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,
Assistant Secretary.

18 inc. and
36 to Ind. Sy.

D.C.12307-1907. 944 (COPY-DeB)
220

Refer in reply to the following:
Land
2970-1907.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

WASHINGTON. February 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Thomas H. Barnes and William J. Barnes as citizens of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 8, 1907, adverse to the applicants.

The record shows that on June 25, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of the applicants herein as citizens of the Choctaw Nation.

The record further shows that the applicants herein are the children of Mary E. Barnes, who as Mary Brown was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on January 25, 1904, and Charley B. Barnes, a non-citizen white man.

This case does not come within the Lula West case approved by the Department February 10, 1905 (I.T.D.10353-1904) as the applicant did not have a tribal status in 1896.

By reason of the provisions of the Act of Congress approved April 26, 1906 (34 Stat. L.,137) the office concurs

in the decision of Commissioner Bixby denying the enrollment of Thomas H. Barnes and William J. Barnes as citizens of the Choctaw Nation.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

RHM-Ph.

23-1041

Muskogee, Indian Territory, April 1, 1907.

Charley B. Barnes,

Rush Springs, Indian Territory.

Dear Sir:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered January 8, 1907, denying the application for the enrollment of Thomas H. and William J. Barnes as citizens by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

23-1041

Muskogee, Indian Territory, April 1, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered January 8, 1907, denying the application for the enrollment of Thomas H. and William J. Barnes as citizens by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

7-4992.

Muskogee, Indian Territory, July 10, 1906.

Cruce, Cruce & Bleakmore,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of the affidavits of Mary E. Barnes and H. A. Castleberry, to the birth of Thomas H. Barnes and William J. Barnes, children of Charley B. and Mary E. Barnes, January 20, 1903 and October 17, 1905 respectively.

Respectfully,

Commissioner.

Choc. Minor 1042
Ira T. Brown

M 1042

1042

MINOR

CHOCTAW

ENROLLMENT

IRA T. BROWN

As Citizen of the

CHOCTAW NATION

Act of Congress

Approved April 26. 1906

DECLINE TO RECEIVE JAN 10 1907

DECISION RENDERED JAN 10 1907

COPY OF DECISION FORWARDED APPLICANT JAN 10 1907

Copy of Decision Forwarded Attorneys for Choctaw and Chickasaw Nations JAN 10 1907

RECORD FORWARDED DEPARTMENT JAN 10 1907

ACTION APPROVED BY SECRETARY OF INTERIOR MAR 1- 1907

Notice of Departmental Action Forwarded Attorneys for Choctaw and Chickasaw Nations MAR 29 1907

Notice of Departmental Action Mailed Applicant MAR 29 1907

1042

~~N. B. 1042.~~ 199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Ira T. Brown

as a citizen of

Choctaw Nation.

Approved ..... 190...

..... Commissioner.

Born July 23, 1904.

F I L E D.

Aug. 23 06.
Tams Bixby, Comm'r.

Choctaw
N.B.1042.

RECD.
Jul 27, 1906.

BIRTH AFFIDAVIT. / 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Ira T. Brown [Here insert name of child], born on the 23rd day of July 1904

Name of Father: D. P. Brown a citizen of the Choctaw Nation.

Name of Mother Kattie Brown a citizen of the United States Nation.

Tribal enrollment of father ..... Tribal enrollment of mother .....

Postoffice Bradley, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District District. }

I, Kattie Brown, on oath state that I am 26

years of age and a citizen by marriage, of the Choctaw Nation;

that I am the lawful wife of D. P. Brown, who is a citizen, by

blood, of the Choctaw Nation; that a male child [Male or Female]

born to me on the 23rd day of July 1904; that said child has been named

Ira T. Brown and was living March 4, 1906.

Mrs. Kattie Brown.

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 20th day of July 1906. 1906.

(SEAL)
Com. Exp. Mch. 17th 1906 .

Ralph Rhode
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Price Patterson, a physician, on oath state that I

attended Kattie Brown, wife of D. P. Brown,

on the 23rd day of July 1904; that there was born to her on said date male [Male or Female]

child; that said child was living March 4, 1906, and is said to have been named

Ira T. Brown.

Price Patterson

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 21st day of July 1906.

(SEAL)

C. J. Davenport
Notary Public.

23-1042.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ira T. Brown as a citizen by blood of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein that on July 27, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Ira T. Brown as a citizen by blood of the Choctaw Nation.

It further appears from the record herein and from the records in the possession of this office that Ira T. Brown was born July 23, 1904, and is the son of D. P. Brown who, as Daniel Brown, was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court, January 25, 1904, in case No. 33, on the South McAlester Docket thereof, and Kattie Brown, a non-citizen.

Section Two of the Act of Congress approved April 26, 1906 (34 Stats., 137), provides in part as follows:

> "That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof....."

I am of the opinion that inasmuch as application was not made for the enrollment of Ira T. Brown as a citizen by blood of the Choctaw Nation within the time limited by the above provision of law, I am without authority to receive or consider the application for his enrollment as such, that I should, therefore, decline to receive or consider the same, and it is so ordered.

Commissioner.

Muskogee, Indian Territory,
JAN 10 1907

23-1042

Muskogee, Indian Territory, January 10 1907.

Daniel P. Brown,

Bradley, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 10, 1907, declining to receive or consider the application for the enrollment of Ira T. Brown as a citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl. 23-1042.

23-1042

Muskogee, Indian Territory, January 10, 1907.

Mansfield, McMurray, and Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Dear Sirs:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 10, 1907, declining to receive or consider the application for the enrollment of Ira T. Brown as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision, of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Incl. 23-1042.

Muskogee, Indian Territory, January 10, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Ira T. Brown as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, declining to receive or consider said application.

Respectfully,

Tams Bixby

Commissioner.

2 Incl. 23-1042

Through the
Commissioner of Indian Affairs.

J.P.

FWE.

DEPARTMENT OF THE INTERIOR,

LRS WASHINGTON.

DC-12438-1907
I.T.D. 4974, 4980, 4988, 4998, 5004-07.
5016, 5064, 5168, 5198, 5478- "
5518, 5534, 5536, 5538, 5543- "
5544, 5552, - "

March 1, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw enrollment cases adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
Dora Andersen (or Teoubbe)	February 9, 1907
Nattie Evans, et al.,	January 16, 1907
Marvin R. Stanphill and Ada M. Stanphill	January 9, 1907
Eula Gladys Beach,	January 16, 1907
John Keaton et al.,	January 18, 1907
Okla Vivian Rolling,	December 1, 1906
Edward Naifeh,	December 1, 1906
Robert Lee Nolan, et al., (Freedmen)	February 9, 1907
Harvey Stover and Hazel Stover,	January 8, 1907
Mary Ransom, (Freedman)	January 10, 1907
Frank Eyman,	January 22, 1907
Ira T. Brown,	January 10, 1907
Richard Colbert, (Freedman)	February 9, 1907
Nattie Alice and Wm. Robert Strickland,	January 4, 1907
Monty Sanders,	December 1, 1906
Eveline G. Adams, et al ., (Miss. Choc.)	January 25, 1907
Jesse Bellinger, et al.,	December 24, 1906

Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed, are inclosed.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

17 inc. and 34 for Ind. Of.

AEWc
3-1-07

-Copy-

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

DC-12435-1907
Land
3887-1907

February 25, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 10, 1907, enclosing record in the matter of the application for the enrollment of Ira T. Brown as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner, dated January 10, 1907, declining to receive or consider said application.

The record shows that applicationwas duly made to the Commissioner to the Five Civilized Tribes on July 27, 1906, for the enrollment of Ira T. Brown as a citizen by blood of the Choctaw Nation.

It is further shown that Ira T. Brown was born July 23, 1904, and is the son of D. B. Brown, who, as Daniel Brown, was denied citizenship in the Choctaw Nation by the Choctaw-Chickasaw Citizenship Court January 25, 1904, in case No. 33 on the South McAlester Docket, and Katie Brown, a non-citizen.

Section 2 of the Act of Congress approved April 26, 1906 (34 Stat.L.,137), provides in part as follows:

That for ninety days after the approval hereof, applications shall be received for the enrollment of children who were minors living March 4, 1906, and whose parents have been enrolled as members of the Choctaw x x x tribes, or have applications for enrollment pending at the approval hereof x x x

Inasmuch as the application was not made within the time above specified, and for the further reason that the applicant is not a child of the parents who have been enrolled as members of the Choctaw tribe, or had applications pending for enrollment, the Office is of the opinion that there is no authority of law for the enrollment of Ira T. Brown as a citizen by blood of the Choctaw Nation, and that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, declining to receive or consider such application, is correct, and it is recommended that it be affirmed.

Very respectfully,

C. F. Harrabee,

Acting Commissioner.

EWE--SD

23-1042

Muskogee, Indian Territory, March 29, 1907.

Daniel P. Brown,

Bradley, Indian Territory,

Dear Sir:

You are hereby advised that on March 1, 1907, the Secretary of the Interior affirmed the decision of this office of January 10, 1907, declining to receive or consider the application for the enrollment of Ira T. Brown as a citizen of the Choctaw Nation.

Respectfully,

Geo. D. Rogers.

Acting Commissioner.

23-1042

Muskogee, Indian Territory, March 29, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on March 1, 1907, the Secretary of the Interior affirmed the decision of this office of January 10, 1907, declining to receive or consider the application for the enrollment of Ira T. Brown as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo.

Acting Commissioner.

7-4992

Muskogee, Indian Territory, August 23, 1906.

D. P. Brown,

Bradley, Indian Territory.

Dear Sir:

There were received at this office on July 27, 1906 the affidavits of Kattie Brown and Price Patterson to the birth of Ira T. Brown, child of D. P. and Kattie Brown, July 23, 1904.

You are advised that the Act of Congress approved April 26, 1906, provided for the reception, for a period of ninety days of applications for enrollment of children of citizens of the Choctaw and Chickasaw Nations who were living March 4, 1906.

This ninety days expired July 25, 1906 and since that date there is no authority for the reception of such applications.

Respctfully,

Commissioner.

Choc. Minor 1043

Omer H. Marr

Cecil R. "

M1043

1043

MINOR

CHOCTAW

ENROLLMENT

OMER H. MARR

CECIL R.

As Citizen of the

CHOCTAW NATION

Act of Congress

Approved April 26. 1906

DECISION RENDERED JAN 9 1907

REFUSED JAN 9 1907

COPY OF DECISION FORWARDED APPLICANT JAN 9 1907

Copy of Decision Forwarded Attorneys for Choctaw and Chickasaw Nations JAN 9 1907

RECORD FORWARDED DEPARTMENT JAN 9 1907

ACTION APPROVED BY SECRETARY OF INTERIOR. FEB 23 1907

Notice of Departmental Action Forwarded Attorneys for Choctaw and Chickasaw Nations APR 10 1907

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT APR 10 1907

1043

NB 1043.

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Omer H. Marr

as a citizen of

Choctaw Nation.

Approved ..... 190...

..... Commissioner.

Born May 9, 1903.

Act of Apr. 26 06.

F I L E D.

AUG 16, 06.

Tams B xby, Comm'r.

Choc. NB 1043. RECD. Jul 24, 06.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Omer M. Marr [Here insert name of child] born on the 9 day of May 1903

Name of Father: Arkie J. Marr a citizen of the U.S. Nation.

Name of Mother: Mertice M. Marr a citizen of Choctaw Nation.

Tribal enrollment of father ..... Tribal enrollment of mother pending

Postoffice Antlers, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Mertice M. Marr, on oath state that I am 22 years of age and a citizen by blood, of the Choctaw Nation; that I am the lawful wife of Arkie J. Marr, who is a citizen, by ....., of the United States Nation; that a male [Male or Female] child was born to me on 9 day of May 1903; that said child has been named Omer M. Marr and was living March 4, 1906.

Mertice M. Marr

WITNESSES TO MARK:

[Must be Two Witnesses] { L. P. Davenport
Charley M. Bagwell

Subscribed and sworn to before me this 23 day of July 1906.

A. J. Arnote
Notary Public.

(SEAL)

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Mollie Bagwell, a midwife, on oath state that I attended on Mertice M. Marr, wife of Arkie J. Marr on the 9 day of May 1903; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Omer M. Marr

Mollie Bagwell

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 23 day of July 1906.

A. J. Arnote.
Notary Public.

(SEAL)

NB #1043.

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Cecil R. Marr

as a citizen of

Choctaw Nation.

Approved..... 190...

Commissioner.

Born March 11, 05.

A t Apr. 26, 06.

F I L ED

AUG. 16, 1906.

Tams Bixby, Comm'r.

Choctaw

N.B.1043. Recd. Jul 24, 06.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Cecil R. Marr [Here insert name of child] born on the 11 day of March 1905

Name of Father: Arkie J. Marr a citizen of the U. S. Nation.

Name of Mother: Mertice M. Marr a citizen of the Choctaw Nation.

Tribal enrollment of father ..... Tribal enrollment of mother pending

Postoffice Antlers, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Mertice M. Marr, on oath state that I am 22 years of age and a citizen by blood, of the Choctaw Nation; that I am the lawful wife of Arkie J. Marr, who is a citizen, by ....., of the United States Nation; that a male [Male or Female] child was born to me on 11th day of March, 1905.; that said child has been named Cecil R. Marr. and was living March 4, 1906.

Mertice M. Marr.

WITNESSES TO MARK:

[Must be Two Witnesses]
L. P. Davenport
Charley W. Bagwell

Subscribed and sworn to before me this 23rd day of July 1906.

A.J.Arnote.
Notary Public.

(SEAL)

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, H. Strachan, a Physician, on oath state that I attended on Mrs. Mertice M. Marr, wife of Arkie J. Marr, on the 11 day of Mch, 1905.; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Cecil R. Marr.

H. Strachan, M. D.

WITNESSES TO MARK:

[Must be Two Witnesses]
.....
.....

Subscribed and sworn to before me this 23 day of July 1906.

A. J. Arnote.
Notary Public.

(SEAL)

No. 950

MARRIAGE LICENSE.

UNITED STATES OF AMERICA.
THE INDIAN TERRITORY.
CENTRAL DISTRICT.

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE::GREETING.

You are hereby commanded to solemnize the Rite and publish the Banns Of Matrimony between Mr. Arkie J. Marr of Cameron in the Indian Territory, aged 27 years, and Miss Mertice M. Bagwell of Farmer in the Indian Territory, aged 16 years according to law, and do you officially sign and return this License to the parties therein named.

Witness my hand and official seal, this 6 day of November A.D. 1900

E. J. Fannin
Clerk of the United States Court.

By T. T. Varner.....Deputy.

CERTIFICATE OF MARRIAGE.

UNITED S ATES OF AMERICA
THE INDIAN TERRITORY

I, J. E. McGee a Minister of the Gospel do hereby certify that on the 7 day of November A.D., 1900, I did duly and according to law, as commanded in the foregoing License, solemnize t e Rite and publish the Banns of Matrimony between the parties therein named.,

Witness my hand this the 12 day of November A. D. 1900.

My credentials are recorded in the office of the Clerk of the United States Court in the Indian Territory, Central District, Book A, Page 152.

(STAMP)

J. E. McGee, M. B.

Indorsed on Back as Follows:

No 946

CERTIFICATE OF RECORD OF MARRIAGES.

UNITED STATES OF AMERICA
THE INDIAN TERRITORY
CENTRAL DISTRICT.

I E. J. Fannin, Clerk of the United States Court in the Indian Territory and District aforsaid, do hereby Certify that the License for and Certificate of the Marriage of Mr. Arkie J. Marr and Miss Mertice M. Bagwell was filed in my office in said Te ritory and District the 17 day of November A. D. 1900 and duly ecorded in Book 1 of Marriage Record, Page 473.

Witness my hand and seal of said Court at Potaam this 5 day of December A. D. 1900.

E. J. Fannin Clerk

by T. T. Varner..?Deputy

23-1043.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Omer H. Marr, et al., as citizens by blood of the Choctaw Nation.

DECISION.

It appears from the record herein that, on July 24, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Omer H. Marr and Cecil R. Marr as citizens by blood of the Choctaw Nation.

It further appears from the record herein and from the records in the possession of this office that Omer H. Marr and Cecil R. Marr were born May 9, 1903, and March 11, 1905, respectively, and are the children of Mertice M. Marr who, as Murtice Bagwell or Myrtice Bagwell, was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court March 21, 1904, in case No. 54, on the South McAlester Docket thereof, and Arkie J. Marr, a non-citizen.

I am of the opinion that Omer H. Marr and Cecil R. Marr are not entitled to enrollment as citizens by blood of the Choctaw Nation and that their application for enrollment as such, should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

23-1043.

Muskogee, Indian Territory, January 9, 1907.

Arkie J. Marr,

Antlers, Indian Territory.

Dear Sir:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Omer H. Marr and Cecil R. Marr as citizens by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Registered.
23-1043.

23-1043.

Muskogee, Indian Territory, January 9, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Omer H. Marr and Cecil R. Marr as citizens by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

23-1043.

Muskogee, Indian Territory, January 9, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Omer M. Marr and Cecil R. Marr as citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 9, 1907, denying said application.

Respectfully,

Commissioner.

23-1043.

Through the
Commissioner of Indian Affairs.

/0

D.C. 12433.
I.T.D.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.
O.K.

4902, 4966, 5000, 5010-1907.
5018, 5022, 5102, 5138-1907.
5140, 5142, 5174, 5180-1907.
LRS.

February 28, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed.

Title of Case.	Date of Your Letter of Transmittal.
Agnes May Mills,	November 27, 1906.
Sarah Bailiff (Freedman),	January 18, 1907.
Vero Wotten (Freedman),	January 26, 1907.
Floyed Goodson,	January 17, 1907.
Omer H. and Cecil R. Marr,	January 9, 1907.
Charles Walter Morrow,	January 9, 1907.
Maud and Elzy Turner, (Miss, Choc.),	January 21, 1907.
Willie Colbert etal.,	January 30, 1907.
Johny Vails,	February 5, 1907.
Maggie Francis Carroll,	January 16, 1907.
Minnie Lee Morgan,	February 7, 1907.
Robert Nelson, (Johnson?)	January 26, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

12 inc. and 24 inc.
for Ind. Of.
AFMc

3-1-07.

D. C. 12433
Land.
3905-1907.

DEPARTMENT OF THE INTERIOR, COPY.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 9, 1906, transmitting the record relative to the application of Omer H. Marr, et al., for enrollment as citizens by blood of the Choctaw Nation.

On July 24, 1906, application was made to the Commissioner for the enrollment of Omer H. and Cecil R. Marr, as citizens by blood.

On January 9, 1906, the Commissioner held that the applicants were not entitled to enrollment.

The record shows that the applicants are the minor children of Arkie J. Marr, a non-citizen, and Mertice M. Marr, who was denied enrollment as a citizen by blood of the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on March 21, 1904, in case No. 54.

The Case does not come within the decision of the Department of February 10, 1905 (I.T.D. 10353-1904), in the case of Loula West, as neither of the parents of the applicants had a tribal status in 1896.

Under the provisions of Section 2 of the Act of April 26, 1906 (34 Stat. L.137), the decision of the Commissioner adverse to the applicants in recommended for approval.

Very respectfully,
C. F. Larrabee,
Acting Commissioner.

HRD.ML

23-1043

Muskogee, Indian Territory, April 10, 1907.

Arkie J. Marr,

Antlers, Indian Territory.

Dear Sir:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of January 9, 1907, denying the application for the enrollment of Omer H. Marr and Cecil R. Marr as citizens by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

23-1043

Muskogee, Indian Territory, April 10, 1907.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of January 9, 1907, denying the application for the enrollment of Omer H. Marr and Cecil R. Marr as citizens by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

Choc. Minor 1044
Vailor Bagwell

M1044

MINOR

CHOCTAW

ENROLLMENT

VAILOR BAGWELL

As Citizen of the

CHOCTAW NATION

Act of Congress

Approved April 26. 1906

DECISION RENDERED JAN 9- 1907

REFUSED JAN 9- 1907

COPY OF DECISION FORWARDED APPLICANT JAN 9- 1907

Copy of Decision Forwarded Attorneys for Choctaw and Chickasaw Nations. JAN 9- 1907

RECORD FORWARDED DEPARTMENT JAN 9- 1907

ACTION APPROVED BY SECRETARY OF INTERIOR FEB 27 1907

Notice of Departmental Action Forwarded Attorneys for Choctaw and Chickasaw Nations. MAR 26 1907

Notice of Departmental Action Mailed Applicant MAR 26 1907

N B 1044.

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Vailor Bagwell

as a citizen of

Choctaw Nation.

Approved ..... 190...

.....

Commissioner.

Born Aug. 3, 1905.

Act of Apr. 26 06.

F I L E D

AUG. 16, 1906.

Tams Bixby, Comm'r.

Choc.NB#1044. RECD. Jul 24, 06.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Vailor Bagwell [Here insert name of child] born on the 3 day of August 1905.

Name of Father: Charles W. Bagwell a citizen of the Choctaw Nation.

Name of Mother Hopie Bagwell a citizen of the U. S. Nation.

Tribal enrollment of father pending Tribal enrollment of mother

Postoffice Antlers, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Hopie Bagwell, on oath state that I am 22 years of age and a citizen by intermariage, of the Choctaw Nation; that I am the lawful wife of Charles W. Bagwell, who is a citizen, by blood, of the Choctaw Nation; that a female [Male or Female] child was born to me on 3rd day of August 1905.; that said child has been named Vailor Bagwell and was living March 4, 1906.

(SEAL) Hopie Bagwell

WITNESSES TO MARK:

[Must be Two Witnesses] .....

.....

Subscribed and sworn to before me this 23rd day of July 1906.

(SEAL) A. J. Arnote
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, H. Strachan, a Physician, on oath state that I attended on Mrs. Hopie Bagwell, wife of Charles W. Bagwell on the 3rd day of August 1905.; that there was born to her on said date a female [Male or Female] child: that said child was living March 4, 1906, and is said to have been named Vailor Bagwell

H. Strachan/ M/ D/

WITNESSES TO MARK:

[Must be Two Witnesses] .....

.....

Subscribed and sworn to before me this 23rd day of July 1906.

A. J. Arnote.
Notary Public.

(SEAL)

No. 874.

MARRIAGE LICENSE.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY.
CENTRAL DISTRICT.

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE: GREETING:

You are hereby commanded to solemnize the Rite and publish the Banns of Matrimony between Mr. Charley Bagwell of Antlers in the Indian Territory, aged 24 years and Miss Hopie White of Antlers in the Indian Territory, aged 20, years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal, this 16th day of August A. D. 1904.

(SEAL)

E. J. Bannin
Clerk of the United States Court.

Jos. R. Foltz..... Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA
THE INDIAN TERRITORY.

I, R. A. Cowan a Minister do hereby certify that on the 17 day of August A.D. 1904, I did, duly and according to law, as commanded in the foregoing License, solemnize the Rite and Publish the Banns of Matrimony between the parties there in named.

Witness my hand, this 17 day of August A. D. 1904.

R. A. Cowan
a M. G.

My credentials are recorded in the office of the Clerk of the United States Court in the Indian Territory Central District, Book A, Page 130.

Indorsed on back as follows:

No. 874.

CERTIFICATE OF RECORD OF MARRIAGES.

UNITED STA ES OF AMERICA.

THE INDIAN TERRIOTYR?

CENTRAL DISCTICT.

I, E. J. Fannin, Clerk of the United States Court in the Indian Territory and District aforesaid, do hereby Certify that the License for and Certificate of the Marriage of Mr. Charley Bagwell and Miss Hopie White was filed in my office in said Territory and District the 5 day of September A. D. 1904, and duly recorded in Book 1 of Marriage Record, Page 438.

WITNESS my hand and seal of said Court, at Antlers this 5 day of September A. D. 1904.

E. J. Fanni n, Clerk.

By Jos. R. Foltz Deputy.

P.O. Antlers.

23-1044.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Vailor Bagwell as a citizen by blood of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein that on July 24, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Vailor Bagwell as a citizen by blood of the Choctaw Nation.

It further appears from the record herein and from the records in the possession of this office that Vailor Bagwell was born August 3, 1905, and is the daughter of Charles W. Bagwell, who was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court March 21, 1904, in case No. 54 on the South McAlester Docket thereof, and Hopie Bagwell, a non-citizen.

I am of the opinion that Vailor Bagwell is not entitled to enrollment as a citizen by blood of the Choctaw Nation, and that her application for enrollment as such, should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats. 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

_____.

23-1044

Muskogee, Indian Territory, January 9, 1907.

Charles W. Bagwell,

Antlres, Indian Territory.

Dear Sir:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Vailor Bagwell as a citizen by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Registered.
23-1044.

23-1044.

Muskogee, Indian Territory, January 9, 1907.

Mansfield, McMurray and Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Vailor Bagwell as a citizen by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

23-1044.

Commissioner.

Muskogee, Indian Territory, January 9, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Vailor Bagwell as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 9, 1907, denying said application.

Respectfully,

Tams Bixby

Commissioner.

23-1044

Through the
Commissioner of Indian Affairs.

YP

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

THE

D.C. 12044-1907.
I.T.D.
864,1162,1184,2736-07.
3198,4582,4648,4656- "
4664,4710,4726,4766- "
4774,4776,4786,4802- "
4804,4808- "

February 27, 1907.

LRS

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
Arizona Robinson, et al.,	August 11, 1906
Frank Skaggs, et al.,	August 11, 1906
Edy Jane Hood, et al.,	August 24, 1906
Clarence Neukirchner, et al.,	June 19, 1906
Sarah P. Ashford, et al.,	November 12, 1906
Redella Giddens, et al.,	March 19, 1906
J. O. Grant, et al.,	January 25, 1907
Georgia Ann Johnson,	January 26, 1907
Mollie Harris,	January 3, 1907
Oatis Bagwell,	January 9, 1907
Vailor Bagwell,	January 9, 1907
Katy Logan and Elvira Anderson,	April 25, 1906.
Jesse and Della Maytubbee,	April 25, 1906
Tishie Milom, et al.,	January 3, 1907
John William Martin,	January 8, 1907
Lillie Belle Lynch, (Freedman)	February 2, 1907
Josiah McIntosh, Sr., et al.,	January 25, 1907
Louis Henry Rockett, et al.,	January 25, 1907

Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed, are inclosed.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse K. Wilson,

Assistant Secretary.

15 inc. and
44 for Ind. Of.

A.P.McC.
2-18-07.

-Copy-

Refer in reply to the following:
Land.
3697-1907.
D.C.120441907

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS
WASHINGTON. February 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 9, 1907, transmitting the record relative to the application of Vailor Bagwell for enrollment as a citizen by blood of the Choctaw Nation.

On July 24, 1906, application was made to the Commissioner for the enrollment of Vailor Bagwell as a citizen by blood.

On January 9, 1907, the Commissioner held that the applicant was not entitled to enrollment.

The record shows that the applicant is the minor daughter of Hopie Bagwell, a non-citizen, and Charles Bagwell, who was denied enrollment as a citizen by blood of the Choctaw Nation, by the Choctaw and Chickasaw Citizenship Court on March 21, 1904, in case No. 84.

Under the provisions of Section 2 of the Act of April 26, 1906, (34 Stat.L. 137), the decision of the Commissioner adverse to the applicant is recommended for approval.

Very respectfully,

C.F.Larrabee,

Acting Commissioner.

E.R.D.-E.L.

23-1044

Muskogee, Indian Territory, March 26, 1907.

Charles W. Bagwell,

Antlers, Indian Territory,

Dear Sir:

You are hereby advised that on February 27, 1907, the Secretary of the Interior affirmed the decision of this office of January 9, 1907, denying the application for the enrollment of Vailor Bagwell as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers,

ACTING Commissioner.

17-NB-1044

Muskogee, Indian Territory, March [illegible], 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on February 27, 1907, the Secretary of the Interior affirmed the decision of this office of January 9, 1907, denying the application for the enrollment of Vailer Bagwell as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

ACTING Commissioner.

Co

Choc. Minor 1045
Beatrice Bottoms

M1045

MINOR

CHOCTAW
ENROLLMENT

BEATRICE BOTTOMS

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26. 1906

DECISION RENDERED JAN 9- 1907
REFUSED JAN 9- 1907

COPY OF DECISION FORWARDED
APPLICANT JAN 9 1907

Copy of Decision Forwarded
Attorneys for Choctaw and
Chickasaw Nations JAN 9- 1907

RECORD FORWARDED DEPARTMENT.
JAN 9- 1907

ACTION APPROVED BY
SECRETARY OF INTERIOR FEB 27 1907

Notice of Departmental Action
forwarded Attorneys for Choctaw
and Chickasaw Nations. APR 3- 1907

Notice of Departmental
Action Mailed Applicant APR 3- 1907

1045

NB #1045.

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Beatrice Bottoms

as a citizen of

Choctaw Nation.

Approved ..... 190...

.....

Commissioner.

Born May 28, 1903.

Act of Apr. 26, 06.

F I L E D.
Jul 10, 1906.
Tams Bixby, Comm'r.

Choctaw
NB #1045.

Received.
Jun 29, 06.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Beatrice Bottoms [Here insert name of child], born on the 28 day of May 1903.

Name of Father: W.L. Bottoms, a citizen of the Cocktaw Nation.

Name of Mother Hattie Lee Bottoms, a citizen of the Chocktaw Nation.

Tribal enrollment of father Chocktaw. Tribal enrollment of mother Chocktaw

Postoffice Paoli, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Territory of Oklahoma SS District. }
Cleveland County }

I, Hattie Lee Bottoms, on oath state that I am 27 Twenty Seven years of age and a citizen by Intermarried Chocktaw Nation; that I am the lawful wife of W.L. Bottoms, who is a citizen, by Blood, of the Chocktaw Nation; that a male [Male or Female] child was born to me on the 28th day of May 1903.; that said child has been named Beatrice Bottoms. and was living March 4, 1906.

Hattie Lee Bottoms.

WITNESSES TO MARK:

[Must be Two Witnesses] { G. W. Barnett
Andy J. Avey

Subscribed and sworn to before me this thirteenth day of June 1906.

(SEAL)
My Com. exp. June 9, 1909.

Geo. G. Graham
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Territory of Oklahoma District. }
County of Cleveland }

I, Robert E. Thacker, a physician, on oath state that I attended on Hattie Lee Bottoms, wife of W.L.Bottom on the 28th day of May 1903.; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Beatrice

Robert E. Thacker.

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 26 day of June 1906.

(SEAL)
My Com. Ex. July 22/07.

Neal Smith
Notary Public.

23-1045.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Beatrice Bottoms as a citizen by blood of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein that, on June 29, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Beatrice Bottoms as a citizen by blood of the Choctaw Nation.

It further appears from the record herein and from the records in the possession of this office that Beatrice Bottoms was born May 28, 1903, and is the daughter of W. L. Bottoms who, as William Luthur Bottoms or William Luther Bottoms, was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court November 28, 1904, in case No. 75 on the Tishomingo Docket thereof, and Hattie Lee Bottoms, whose application for enrollment as a citizen by intermarriage of the Choctaw Nation was dismissed by the Commission to the Five Civilized Tribes January 26, 1905, said Hattie Lee Bottoms claiming her right to enrollment as such through the said W. L. Bottoms.

I am of the opinion that Beatrice Bottoms is not entitled to enrollment as a citizen by blood of the Choctaw Nation and that her application for enrollment as such, should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,
JAN 9 - 1907

23-1045.

Muskogee, Indian Territory, January 9, 1907.

William L. Bottoms,

Paoli, Indian Territory.

Dear Sir:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Beatrice Bottoms as a citizen by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Registered.
23-1045.

23-1045

Muskogee, Indian Territory, January 9, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Beatrice Bottoms as a citizen by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

23-1045 .

Muskogee, Indian Territory, January 9, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Beatrice Bottoms as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 9, 1907, denying said application.

Respectfully,

Tams Bixby

Commissioner.

23-1045.

Through the
Commissioner of Indian Affairs.

Y.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LRS
B.C.13931-1907.
I. T. D.
4594, 4604, 4606, 4608,- 1907.
4642, 4650, 4668, 4702, "
4716, 4722, 4724, 4725, "

O.K.

DECISION.

February 27, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of Your Letter of transmittal.
Tom Isaac, (Miss. Chee.),	December 15, 1906.
Viney King et al., (Freedmen),	October 19, 1906.
Frank Going,	October 19, 1906.
James Morris,	October 19, 1906.
Fley M. Davis et al.,	January 16, 1907.
Susan Jackson et al.,	January 21, 1907.
Lillie Henderson,	January 16, 1907.
Claudia A. Platt et al.,	December 24, 1906.
Beatrice Bettens,	January 8, 1907.
William H. Mitchell et al.,	January 8, 1907.
Thedia D. Blake et al.,	November 22, 1906.
Cora A. Pyle	January 9, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

12 inc. and 24 inc. for Ind. Of.

Jesse E. Wilson

Assistant Secretary.

[illegible]-07.

944/303

-Copy-

Refer in reply to the following:

Land.
3309-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, February 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 9, 1907, transmitting the record relative to the application of Beatrice Bottoms for enrollment as a citizen by blood of the Choctaw Nation.

On June 29, 1904, application was made to the Commissioner for the enrollment of Beatrice Bottoms as a citizen by blood.

On January 9, 1907, the Commissioner held that the applicant was not entitled to enrollment.

The record shows that the applicant is the minor daughter of William L. Bottoms, whowas denied enrollment as a citizen by blood of the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on November 22,1904 in case No.75 and Mattie Lee Bottoms, a non-citizen.

Under the provisions of Section 2 of the Act of April 26, 1906 (34 Stat. L., 137), the decision of the Commissioner adverse to the applicant is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

E.B.H. - M.

23-1045

Muskogee, Indian Territory, April 3, 1907.

William L. Bottoms,

Paoli, Indian Territory.

Dear Sir:

You are hereby advised that on February 27, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Beatrice Bottoms as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

23-1045

Muskogee, Indian Territory, April 3, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 27, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered January 9, 1907, denying the application for the enrollment of Beatrice Bottoms as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

7-5024.

Muskogee, Indian Territory, July 10, 1906.

W. L. Bottoms,

Paoli, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavit of Hattie Lee Bottoms and Robert E. Thacker, to the birth of Beatrice Bottoms, child of W.L. Bottoms and Hattie Lee Bottoms, May 28, 1903.

Respectfully,

Commissioner.

Choc. Minor 1046
Esther J. Buchanan

M1046

MINOR

CHOCTAW

ENROLLMENT

ESTHER J. BUCHANAN

As Citizen of the

CHOCTAW NATION

Act of Congress

Approved April 26. 1906

REFUSED JAN 16 1907

COPY OF DECISION FORWARDED APPLICANT JAN 15 1907

Copy of Decision Forwarded Attorneys for Choctaw and Chickasaw Nations. JAN 16 1907

RECORD FORWARDED DEPARTMENT JAN 16 1907

ACTION APPROVED BY SECRETARY OF INTERIOR FEB 28 1907

Notice of Departmental Action Forwarded Attorneys for Choctaw and Chickasaw Nations APR 11 1907

Notice of Departmental Action Mailed Applicant APR 11 1907

1046

NB #1046.

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Esther J. Buchanan

as a citizen of

CHOCTAW Nation.

Approved..... 190...

Commissioner.

Born Mar. 31, 1904.
Act Apr. 26, 06.

F I L E D .
AUG. 16, 1906.
Tams Bixby, Comm'r.

Choctaw NB#1046. RECD. Jul 23, 1906.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Esther J. Buchanan [Here insert name of child] born on the 31st day of March 1904

Name of Father: Joseph W. Buchanan a citizen of the United States Nation.

Name of Mother Beulah L. Buchanan a citizen of the Choctaw Nation.

Tribal enrollment of father Not enrolled Tribal enrollment of mother Choctaw

Postoffice Wapanucka, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, Central District.

I, Beulah L. Buchanan, on oath state that I am 26 years of age and a citizen by blood, of the Choctaw Nation; that I am the lawful wife of Joseph W. Buchanan, who is a citizen, by ..., of the United States Nation; that a female [Male or Female] child was born to me on 31st day of March 1904; that said child has been named Esther J. Buchanan and was living March 4, 1906.

Beulah L. Buchanan

WITNESSES TO MARK:

[Must be Two Witnesses]

C. F. Lucus

D. D. McMillan

Subscribed and sworn to before me this 21st day of July 1906.

(SEAL)

C.W. Crowell

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, Central District.

I, A Stephenson, physician, on oath state that I attended on Beulah L. Buchanan, wife of Joseph W. Buchanan on the 31st day of March 1904; that there was born to her on said date a female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Esther J. Buchanan

A. S. Stephenson, M D.

WITNESSES TO MARK:

[Must be Two witnesses]

C. F. Lucus

D. D. McMillan

Subscribed and sworn to before me this 21st day of July 1906.

(SEAL)

C. W. Crowell

Notary Public.

23-1046.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Esther J. Buchanan as a citizen by blood of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein that on July 23, 1906 application was made to the Commissioner to the Five Civilized Tribes for he enrollment of Esther J. Buchanan as a citizen by blood of the Choctaw Nation.

It further appears from the record herein and from the records in the possession of this office that Esther J. Buchanan was born March 31, 1904, and is the daughter of Beulah L. Buchanan whose application for enrollment as a citizen by blood of the Choctaw Nation was dismissed by the Commission to the Five Civilized Tribes September 22, 1904 in accordance with the opinion of the Acting Attorney General dated May 9, 1904 (I.T.D. 3824-1904), and the opinion of the Assistant Attorney General for the Department of the Interior dated July 30, 1904 (I.T.D. 5246-1904), and Joseph W. Buchanan, a non-citizen.

I am of the opinion that Esther J. Buchanan is not entitled to enrollment as a citizen by blood of the Choctaw Nation and that her application for enrollment as such, should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,
JAN 16 1907

23-1046

COPY

Muskogee, Indian Territory, January 16, 1907.

Joseph W. Buchanan,

Wapanucka, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 16, 1907, denying the application for the enrollment of Esther J. Buchanan as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl. 23-1046

23-1046

COPY

Muskogee, Indian Territory, January 16, 1907.

Mansfield, McMurray, and Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 16, 1907, denying the application for the enrollment of Esther J. Buchanan as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision, of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 23-1046.

COPY

Muskogee, Indian Territory, January 16, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Esther J. Buchanan as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 16, 1907, denying said application.

Respectfully,

SIGNED Tams Bixby

Commissioner.

2 incl. 23-1046

Through the
Commissioner of Indian Affairs.

D. C. 12432.

J.P.

I. T. D. DEPARTMENT OF THE INTERIOR,

WASHINGTON.

4990, 5020, 5024, 5088, 5090-07.
5092, 5110, 5116, 5118, 5178-

FEB.

February 28, 1907.

LRS.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
Alfred Pyburn,	January 9, 1907.
Frankie Buck,	January 9, 1907.
Arimenta Pearl Sanders,	January 9, 1907
Esther J. Buchanan,	January 16, 1907
James C. Bagley,	December 1, 1906
Jackson R. Lewis,	December 1, 1906.
Dora J. Smith,	January 23, 1907
Mary Fitch,	January 14, 1907
Jeff Sampson	January 21, 1907
Allen Wright, (Freedman)	January 23, 1907.

Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed, are inclosed.

A copy hereof and all the papers in the above-mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

10 inc. and 20 for Ind. Of.

AFHe.
3-1-07.

Land.
6285-1907.

945
97

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. February 23, 1907.

C O P Y

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Esther J. Buchanan as a citizen by blood of the Choctaw Nation, together with the decision of the Commissioner to the Five Civilized Tribes, dated January 16, 1907, adverse to the applicant.

The record shows that on July 23, 1906 application was made to the Commissioner to the Five Civilized Tribes, for the enrollment of this applicant as a citizen of the Choctaw Nation. The record further shows that the applicant was born March 31, 1904 and is the daughter of Beulah L. Buchanan, whose application for enrollment as a citizen by blood of the Choctaw Nation was dismissed by the Commission to the Five Civilized Tribes September 22, 1904, and of Joseph B. Buchanan, a non-citizen.

By reason of the provisions of the Act of Congress approved April 26, 1906, (34 Stat. L., 137), the Office concurs in the decision of Commissioner Bixby denying the enrollment of this applicant as a citizen by blood of the Choctaw Nation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

KHM-LC.

23-1046

Muskogee, IndiannTerritory, April 11, 1907.

Joseph W. Buchanan,

Wapanucka, Indian Territory.

Dear Sir:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of January 16, 1907, denying the application for the enrollment of Esther J. Buchanan as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. T. Rainers.

ACTING Commissioner.

23-1046

Muskogee, Indian Territory, April 11, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of January 16, 1907, denying the application for the enrollment of Esther J. Buchanan as a citizen by blood of the Choctaw Nation.

Respectfully,

Tas. D. Rob[illegible]

ACTING Commissioner.

Choc. Minor 1047
Hester S. Bailey

M1047

1047

MINOR

CHOCTAW

ENROLLMENT

HESTER S. BAILEY

As Citizen of the

CHOCTAW NATION

Act of Congress

Approved April 26. 1906

REFUSED FEB 20 1907

RECORD FORWARDED DEPARTMENT
FEB 20 1907

ACTION APPROVED BY
SECRETARY OF INTERIOR MAR 4- 1907

Notice of Departmental Action
Forwarded Attorneys for Choctaw
and Chickasaw Nations APR 3- 1907

Notice of Departmental
Action Mailed Applicant Apr 3- 1907

1047

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

. . . . . .

In the matter of the application for the enrollment as a citizen by blood of the Choctaw Nation of) . . . . . .

HESTER S. BAILEY 23-1047.

New Born 1047

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Hester S. Bailey

as a citizen of

Choctaw Nation.

Approved..... 190...

.....

Commissioner.

Born March 17- 1904

APPROVED APRIL 26, 1906.

DEPARTMENT OF THE INTERIOR.
Commissioner to the Five Civilized Tribes.

FILED

Aug. 28. 1906

Commissioner.

RECEIVED

N.B. 1047 July ~~28~~ 1906.

(Copy)

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Hester S. Bailey [Here insert name of child] born on the 17 day of March 1904.

Name of Father: Emanuel W. Bailey a citizen of the Choctaw Nation.

Name of Mother Eva Bailey a citizen of the U. S. Nation.

Tribal enrollment of father Pending Tribal enrollment of mother

Postoffice Iona I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, Southern District.

I, Eva Bailey, on oath state that I am 22 years of age and a citizen by Int. U. S., of the Nation; that I am the lawful wife of Emanuel W. Bailey, who is a citizen, by Blood, of the Choctaw Nation; that a Female [Male or Female] child was born to me on 17 day of March 1904; that said child has been named Hester S. Bailey and was living March 4, 1906.

Eva Bailey

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 24 day of July 1906.

(Seal) J. F. Daugherty Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, Southern District.

I, J. G. Sharp a Physician on oath state that I attended on Eva Bailey wife of Emanuel W. Bailey on the 17 day of March 1904; that there was born to her on said date a Female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Hester S. Bailey.

J. G. Sharp.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 24 day of July 1906.

(Seal) J. F. Daugherty Notary Public.

23-1047

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Hester S. Bailey as a citizen by blood of the Choctaw Nation.

D E C I S I O N .

The record herein shows that on July 25, 1906, there was filed with the Commissioner to the Five Civilized Tribes written application for the enrollment of Hester S. Bailey as a citizen by blood of the Choctaw Nation.

The record herein further shows that said applicant was born on March 17, 1904; that she was living on March 4, 1906, and that she is the daughter of Eva Bailey, a non-citizen, and Emanuel Bailey, an alleged citizen by blood of the Choctaw Nation.

The records of this office show that Emanuel Bailey, the father of said applicant, was denied citizenship in the Choctaw Nation by the Choctaw-Chickasaw Citizenship Court on March 9, 1904. On May 1, 1906, this office denied a petition for the enrollment of said Emanuel W. Bailey as a citizen by blood of the Choctaw Nation in the case of Wilson R. Seasums, et al., and on said date the record therein was forwarded to the Department.

I am of the opinion that the application for the enrollment of Hester S. Bailey as a citizen by blood of the Choctaw Nation, should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,
FEB 20 1907

23-1047

Muskogee, Indian Territory, February 20, 1907.

Emanuel W. Bailey,

Iona, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 20, 1907, denying the application for the enrollment of Hester E. Bailey as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl. 23-1047.

23-1047

COPY

Muskogee, Indian Territory, February 20, 1907.

Mansfield, McMurray, and Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 20, 1907, denying the application for the enrollment of Hester S. Bailey as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Incl. 23-1047.

Commissioner.

COPY

Muskogee, Indian Territory, February 20, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Hester S. Bailey as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1907, denying said application.

Respectfully,

SIGNED Tams Bixby

Commissioner.

2 incl. 23-1047.

Through the
Commissioner of Indian Affairs.

I.T.D. 6190, 7268, 7322, 7328, 7370-1907
D. C. 12855-1906. 7378, 7382- "

JP.SP.
LRS.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, March 4, 1907.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your report and recommending that the decisions be affirmed are inclosed:

Title of Cases.	Date of your letter of Transmittal.
Eliza A. Alexander, et al.	February 15, 1907.
Nathan Brown, (freedman)	February 7, 1907.
Louisa Dyer	February 20, 1907.
Mary Graham (freedman)	February 20, 1907.
Hester S. Bailey	February 20, 1907.
Leroy Davis et al. (freedmen)	February 11, 1907.
Nesbit Colbert (freedman)	February 7, 1907.

A copy hereof and the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

E.A.Hitchcock,

Secretary.

7 inc. and 14 to Ind.Of.
WCF. 3-4-07.

Refer in reply to the following:
Land: 18956-1907.

Copy

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby, dated February 20, 1907, transmitting the record relative to the application for enrollment of Hester S. Bailey, as a citizen by blood of the Choctaw Nation. On February 20, 1907, the Commissioner held that the applicant was not entitled to enrollment.

The decision of the Commissioner has been examined and found to be correct and its approval is recommended.

Very respectfully,

C.F.Larrabee,

Acting Commissioner.

JFB-H.

23-1047.

Muskogee, Indian Territory, April 3, 1907.

Emanuel W. Bailey,

Ione, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 20, 1907, denying the application for the enrollment of Hester S. Bailey as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

23-1047.

Muskogee, Indian Territory, April 3, 1907.

Mansfield, McMurray, and Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 20, 1907, denying the application for the enrollment of Hester S. Bailey as a citizen by blood of the Choctaw Nation.

Respectfully,

Tno. D. Rodgers.

Acting Commissioner.

7-5112

Muskogee, Indian Territory, August 28, 1906.

Emanuel W. Bailey,

Iona, Indian Territory.

Dear Sir:

There have been received at this office affidavits of Eva Bailey and J. G. Sharp to the birth of Chester S. Bailey, child of Emanuel W. and Eva Bailey, March 17, 1904.

You will be notified of such action as is taken in regard to the affidavits to the birth of this child.

Respectfully,

Acting Commissioner.

Choc. Minor 1048
Minnie Elizabeth Bennett

M1048

1048

MINOR

CHOCTAW

ENROLLMENT

MINNIE ELIZABETH BENNETT

As Citizen of the

CHOCTAW NATION

Act of Congress

Approved April 26. 1906

REFUSED JAN 16 1907

COPY OF DECISION FORWARDED APPLICANT JAN 16 1907

Copy of Decision Forwarded Attorneys for Choctaw and Chickasaw Nations. JAN 16 1907

RECORD FORWARDED DEPARTMENT JAN 16 1907

ACTION APPROVED BY SECRETARY OF INTERIOR FEB 25 1907

Notice of Departmental Action Forwarded Attorneys for Choctaw and Chickasaw Nations. APR 17 1907

Notice of Departmental Action Mailed Applicant APR 17 1907

1048

NB 1048.

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Minnie Elizabeth Bennett

as a citizen of

Choctaw Nation.

Approved 190...

Commissioner.

Born Mch. 13, 1905.

Act Apr. 26, 06.

F I L E D.
Jul 24, 06.
Tams Bixby, Comm'r.

Choctaw NB 1048. Recd. Jul 18, 1906.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Minnie Elizabeth Bennett [Here insert name of child] born on the 13th day of March 1905.

Name of Father: Wm. Bennett a citizen of the Choctaw Nation.

Name of Mother Ella Bennett a citizen of the Choctaw Nation.

Tribal enrollment of father Choctaw Tribal enrollment of mother Choctaw

Postoffice Durant, Indian Territory.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, Central District. District.

I, Ella Bennett, on oath state that I am 30 years years of age and a citizen by blood, of the Choctaw Nation; that I am the lawful wife of Wm. Bennett, who is a citizen, by intermarriage, of the Choctaw Nation; that a female [Male or Female] child was born to me on 13th day of March 1905; that said child has been named Minnie Elizabeth Bennett and was living March 4, 1906.

Ella Bennett

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 17th day of July 1906.

(SEAL) T. M. Hinsley

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, Central District. District.

I, Addie Bennett, a female Midwife, on oath state that I attended on Ella Bennett, wife of Wm. Bennett, on the 13th day of March, 1905, that there was born to her on said date a female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Minnie Elizabeth Bennett.

Addie Bennett.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 17th day of July 1906.

(SEAL) T. M. Hinsley

Notary Public.

23-1046.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Minnie Elizabeth Bennett as a citizen by blood of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein that July 18, 1906 application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Minnie Elizabeth Bennett as a citizen by blood of the Choctaw Nation.

It further appears from the record herein and from the records in the possession of this office that Minnie Elizabeth Bennett was born March 13, 1905, and is the daughter of Ella Bennett who was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court September 19, 1904, in case No. 114 on the South McAlester Docket thereof, and Wm. Bennett whose application for enrollment as a citizen by intermarriage of the Choctaw Nation was dismissed by the Commission to the Five Civilized Tribes November 23, 1904, said Wm. Bennett claiming his right to enrollment as such through the said Ella Bennett.

I am of the opinion that Minnie Elizabeth Bennett is not entitled to enrollment as a citizen by blood of the Choctaw Nation and that her application as such, should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner

Muskogee, Indian Territory,
JAN 16 1907

23-1048

Muskogee, Indian Territory, January 16, 1907.

Wm. Bennett,

Durant, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 16, 1907, denying the application for the enrollment of Minnie Elizabeth Bennett as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl. 23-1048.

23-1048

COPY

Muskogee, Indian Territory, January 16, 1907.

Mansfield, McMurray and Cornish,

Attorneys for Choctaw and Chickasaw Nation.

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 16, 1907, denying the application for the enrollment of Minnie Elizabeth Bennett as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 23-1048

COPY

Muskogee, Indian Territory, January 16, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Minnie Elizabeth Bennett as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 16, 1907, denying said application.

Respectfully,

Commissioner.

2 Incl. 23-1048.

Through the
Commissioner of Indian Affairs.

43-1048.

CRW
S.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

DC-11705-1907.
I.T.D. 4278-1907.

DIRECT.

February 25, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

February 19, 1907, the Indian Office transmitted the record in the matter of the application of Minnie Elizabeth Bennett for enrollment as a citizen by blood of the Choctaw Nation, concurring in your decision of January 16, 1907, adverse to the applicant.

The Department also concurs and your decision is affirmed.

The Department does not consider that its ruling of July 10, 1906, in the William Jesse Bacon case referred to by the Indian Office is applicable.

A copy of Indian Office letter is inclosed.

The record has been sent to the Indian Office for its files, together with a carbon copy hereof.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inc. and 2 to Ind. Of.

AEWc
2-26-07.

DC-11705-1907.
Land
6278-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 19, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 16, 1907, transmitting the record relative to the application for the enrollment of Minnie Elizabeth Bennett, as a citizen by blood of the Choctaw Nation, including the Commissioner 's decision of January 16, 1907, denying the application.

The applicant, the record shows, was born on March 13, 1895, and is the daughter of Ella Bennett, who was denied citizenship in the Choctaw Nation by the Choctaw-Chickasaw Citizenship Court on September 19, 1904, and William Bennett, whose application for enrollment as a citizen by intermarriage was dismissed by the Commission on November 23, 1904. William Bennett claimed his right to enrollment through his wife, Ella Bennett. Ella Bennett does not seem to have a tribal status in 1896, and the points involved in this case do not come with in the Lula West Case. It is recommended that the application be rejected in accordance with the Department's holding of July 10, 1906, I.T.D. 2548, in the William Jesse Bacon case, and the provisions of the Act of June 21, 1906 (34 Stat.L.,325).

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-GH

23-1048

Muskogee, Indian Territory, April 17, 1907.

Wm. Bennett

Durant, Indian Territory.

Dear Sir:

You are hereby advised that on February 25, 1907, the Secretary of the Interior affirmed the decision of this office of January 16, 1907, denying the application for the enrollment of Minnie Elizabeth Bennett as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

23-1048

Muskogee, Indian Territory, April 17, 1907.

Mansfield, McMurray & Cormish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 25, 1907, the Secretary of the Interior affirmed the decision of this office of January [redacted], 1907, denying the application for the enrollment of Minnie Elizabeth Bennett as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

7-1863

Muskogee, Indian Territory, July 24, 1906.

William Bennett,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Ella Bennett and Addie Bennett to the birth of Minnie Elizabeth Bennett, child of William Bennett and Ella Bennett, March 13, 1905.

Respectfully,

Commissioner.

Choc. Minor 1049
Ury Eugene Boggs
Samuel Leslie "
John Lester "

M1049

1049

MINOR

CHOCTAW
ENROLLMENT

URY EUGENE BOGGS
SAMUEL LESLIE *
JOHN LESTER *

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26, 1906

REFUSED FEB 18 1907

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY SECRETARY OF INTERIOR MAR -4 1907

Notice of Departmental Action Forwarded Attorneys for Choctaw and Chickasaw Nations. APR -5 1907

Notice of Departmental Action Forwarded Attorney for Applicant. APR -5 1907

Notice of Departmental Action Mailed Applicant. APR -5 1907

1049

New Born 1049

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Wm. Eugene Boggs

as a citizen of

Choctaw Nation.

Approved..... 190...

.....

Commissioner.

Born Nov. 25, 1902

Act of congress approved April 26, 1906.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
F I L E D
Jun 19, 1906,
Tams Bixby,
Commissioner.

Received
June 11, 1906

BIRTH AFFIDAVIT 1902

(Copy)

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Ury Eugene Boggs, born on the 25th day of November 1902
(Here insert name of child)

Name of Father: Warren Boggs, a citizen of the United States Nation.

Name of Mother: Lena A. Boggs, a citizen of the Choctaw Nation.

Tribal enrollment of father ..... Tribal enrollment of mother .....

Postoffice Mc Curtain Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Lena A. Boggs, on oath state that I am 25 years of age and a citizen by Blood, of the Choctaw Nation; that I am the lawful wife of Warren Boggs, who is a citizen, by ....., of the United States Nation; that a Male (Male or Female) child was born to me on 25th day of November, 1902; that said child has been named Ury Eugene Boggs, and was living March 4, 1906.

X Lena A. Boggs

WITNESSES TO MARK:

[Must be Two Witnesses] { X W. A. Bonifield
.....

Subscribed and sworn to before me this 6th day of June 1906.

Seal

J. P. Gibson
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Nancy A. Boggs, a Midwife, on oath state that I attended on Mrs. Lena A. Boggs, wife of Warren Boggs on the 15th day of November, 1902; that there was born to her on said date a male (Male or Female) child; that said child was living March 4, 1906, and is said to have been named Ury Eugene Boggs

.....

Nancy A. Boggs

WITNESSES TO MARK:

[Must be Two Witnesses] { X W. A. Bonifield
.....

Subscribed and sworn to before me this 6th day of June 1906.

Seal

J. P. Gibson
Notary Public.

Inw Born 1049

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

John Luster Boggs.....

as a citizen of

Choctaw..... Nation.

Approved..... 190...

.....

Commissioner.

Born Sept. 12, 1905

Act of Congress approved April 26, 1906.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
F I L E D
Jun 19, 1906
Tams Bixby,
Commissioner.

Received
June 11, 1906

BIRTH AFFIDAVIT 1905

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of John Lester Boggs [Here insert name of child], born on the 12 day of September 1905

Name of Father: Warren Boggs a citizen of the United States Nation.

Name of Mother: Lena A. Boggs a citizen of the Choctaw Nation.

Tribal enrollment of father ..... Tribal enrollment of mother. Choctaw

Postoffice McCarty Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, Lena A. Boggs, on oath state that I am 25 years of age and a citizen by Blood, of the Choctaw Nation; that I am the lawful wife of Warren Boggs, who is a citizen, by ....., of the United States Nation; that a male [Male or Female] child was born to me on 12th day of September, 1905; that said child has been named John Lester Boggs, and was living March 4, 1906.

Lena A. Boggs

WITNESSES TO MARK:

[Must be Two Witnesses] H. A. Bonifield

Subscribed and sworn to before me this 6th day of June 1906.

Seal

J. F. Gibson
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, Nancy A. Boggs, a midwife, on oath state that I attended on Mrs. Lena A. Boggs, wife of Warren Boggs on the 12th day of September 1905; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named John Lester Boggs

Nancy A. Boggs

WITNESSES TO MARK:

[Must be Two Witnesses] H. A. Bonifield

Subscribed and sworn to before me this 6th day of June 1906.

Seal

J. F. Gibson
Notary Public.

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Samuel Leslie Boggs

as a citizen of

Choctaw Nation.

Approved ..... 190...

Commissioner.

Born Sept 12, 1905.
Act of Congress approved April 26, 1906.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 19, 1906.
Tams Bixby,
Commissioner.

Received
[illegible] 1906.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

BIRTH AFFIDAVIT

(Copy)

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Samuel Leslie Boggs (Here insert name of child), born on the 12th day of September 1905

Name of Father: Warren Boggs a citizen of the United States Nation.

Name of Mother: Lena A. Boggs a citizen of the Choctaw Nation.

Tribal enrollment of father: Tribal enrollment of mother: Choctaw

Postoffice McCarty, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Lena A. Boggs on oath state that I am 25 years of age and a citizen by Blood, of the Choctaw Nation; that I am the lawful wife of Warren Boggs, who is a citizen, by ..., of the United States; that a Male (Male or Female) child was born to me on 12th day of September, 1905.; that said child has been named Samuel Leslie Boggs and was living March 4, 1906.

Lena A. Boggs

WITNESSES TO MARK:

[Must be Two Witnesses] { H. A. Bonifield
{

Subscribed and sworn to before me this 6th day of June 1906.

SEAL

J. P. Gibson
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Nancy A. Boggs, a midwife, on oath state that I attended on Mrs. Lena A. Boggs, wife of Warren Boggs on the 12th day of September, 1905; that there was born to her on said date a male (Male or Female) child; that said child was living March 4, 1906, and is said to have been named Samuel Leslie Boggs.

Nancy A. Boggs

WITNESSES TO MARK:

[Must be Two Witnesses] { H. A. Bonifield
{

Subscribed and sworn to before me this 6th day of June 1906.

Seal.

J. P. Gibson
Notary Public.

No. 1323

MARRIAGE LICENSE.

UNITED STATES OF AMERICA)
THE INDIAN TERRITORY : SS.
CENTRAL DISTRICT.)

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE - GREETING: You are hereby commanded to solemnize the Rite and publish the Banns of Matrimony between Mr. Warren Boggs of Coalgate, in the Indian Territory, aged 27 years, and Miss Lena Williams, of Eagletown, in the Indian Territory, aged 19 years, according to law, and do you officially sign and return this License to the parties therein named.

Witness my hand and officdal seal this 17th day of December, A. D. 1901.

SEAL E. J. Fannin,
Wm. H. Reynolds, Deputy. Clerk of the United States Court.

CERTIFICATE OF MARRIAGE.

United States of America :
The Indian Territory, : SS
Second District.)

I, William Reves, an ordained minister do hereby certify, that on the 25th day of Dec A. D. 1901, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 25th day of Dec., A. D. 1901.

My credentials are recorded in the office of the Clerk of the United States Court in the Indian Territory, Central District, Book A, Page 27.

William Reves,
ordained minister.

- - -

CERTIFICATE OF RECORD OF MARRIAGES.

United States of America)
The Indian Territory, : SS
Central District,)

I, E.J. Fannin, Clerk of the United States Court in the Indian Territory and District aforesaid, do hereby certify that the License for and Certificate of Marriage of Mr. Warren Boggs and Miss Lena Williams was filed in my office in said Territory and District the 28 day of Dec, A.D. 1901 and duly recorded in Book 2 of Marriage Record, Page 44.

WITNESS my hand and seal of said Court, at Atoka, this 28 day of Dec., A. D. 1901.

E. J. Fannin, Clerk

By Wm. H. Reynolds, Deputy.

Endorsed:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
F I L E D
Feb 24, 1902,
Tams Bixby,
Acting Chairman.

COPY

W.C.P.

C 132 7-2369
7-4575 7-2759
7-3324 7-3328
7-2206
7-2207
7-2649
7-2769 DEPARTMENT OF THE INTERIOR,
7-2208 COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
7-3327
7-3326 ---
7-R-345
Memo-39
7-5334
23-1008 In the matter of the application for the enrollment of
23-1077 RICHARD S. BENNIGHT ET AL., as citizens of the Choctaw
23-1078 Nation.

DECISION.

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 6, 1899, by Richard S. Bennight, for the enrollment of himself and his minor children, Luther Bennight, Winn Bennight and Dora T. Bennight, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Anna Bennight, as a citizen by intermarriage of the Choctaw Nation; that on May 24, 1900, written application was filed for the enrollment of Tennie May Bennight, minor daughter of Richard S. Bennight and Annie E. Bennight, as a citizen by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Calvin, Indian Territory, on August 9, 1899, by Samantha A. Stonecipher, for the enrollment of herself and her minor children, James B. Stonecipher, Essie M. Stonecipher, Bessie B. Stonecipher and Roscoe Stonecipher, as citizens by blood of the Choctaw Nation; that on June 7, 1900, written application was filed for the enrollment of L. C. Stonecipher, and on February 21, 1902, written application was filed for the enrollment of Oto Stonecipher, minor children of Wright Stonecipher and Samantha A. Stonecipher, as citizens by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Talihina, Indian Territory, on June 1, 1899, by Laura C. Messersmith, for the enrollment of herself and her minor children, Agnes Messersmith, Samuel M. McKinley, Josephine C. McKinley and John Lee McKinley, as citizens by blood of the Choctaw Nation, and for the enrollment of her husband, Clark Messersmith, as a citizen by intermarriage of the Choctaw Nation; that on April 26, 1902, application was made for the enrollment of Robert Jackson Vanderslice as a citizen by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Talihina, Indian Territory on June 1, 1899, by James C. Johnson for the enrollment of himself and his minor children, Alvin Johnson, William C. Johnson, Jesse B. Johnson, Essie Johnson and Addie May Johnson, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Delila Johnson, as a citizen by intermarriage of the Choctaw Nation; that on June 7, 1900, application was made for the enrollment of

Alice Johnson, as a citizen by intermarriage of the Choctaw Nation; that on January 9, 1902, written application was made for the enrollment of Virgie Benton Johnson, minor child of Alvin Johnson and Alice Johnson, as a citizen by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Spiro, Indian Territory, on June 14, 1899, by Hazey A. E. Vandergriff, for the enrollment of herself and her minor children, James L. Vandergriff, William P. Vandergriff, Emma L. Vandergriff, Annie C. Vandergriff, and Dovey D. Vandergriff, as citizens by blood of the Choctaw Nation; that on January 17, 1902, written application was filed for the enrollment of Hildreth Vandergriff, minor child of James Vandergriff and Cleo Vandergriff, as a citizen by blood of the Choctaw Nation; that on June 15, 1899, application was made to the Commission to the Five Civilized Tribes at Spiro, Indian Territory, by James M. Bragdon, for the enrollment of Sarah D. Bragdon and her minor children, Wesley H. Bragdon, Jodie J. Bragdon, Allamentie Bragdon and Filey Bragdon as citizens by blood of the Choctaw Nation; that on June 1, 1899, application was made to the Commission to the Five Civilized Tribes at Talihina, Indian Territory, by James C. Johnson, for the enrollment of Lena A. Williams and Samuel U. Williams as citizens by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Calvin, Indian Territory, August 9, 1899, by Milus Johnson, for the enrollment of himself and his minor child, Fannie Lee Johnson, as citizens by blood of the Choctaw Nation; that on February 11, 1902, written application was filed for the enrollment of Eulalie Johnson, minor child of Milus Johnson and Mattie Johnson, as a citizen by blood of the Choctaw Nation; that on August 9, 1899, application was made to the Commission to the Five Civilized Tribes at Calvin, Indian Territory, by Dortus Parish, for the enrollment of herself and her minor children, Nellie J. Parish and Nannie E. Parish, as citizens by blood of the Choctaw Nation; that on August 27, 1901, written application was filed for the enrollment of Ethel May Parish, minor daughter of F. F. Parish and Dortus Parish, as a citizen by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes during the month of August 1899, by Oza Wingfield, for the enrollment of herself and her minor children, Emily C. Wingfield, Samuel W. Wingfield and William G. Wingfield, as citizens by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, October 2, 1900, by Minerva A. Battershell, for the enrollment of herself and her minor children, Binney D. Smith, Toby Y. Smith, and Lucy I. Battershell, as citizens by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Calvin, Indian Territory, on August 9, 1899, by Atrus Thomas for the enrollment of herself and her minor daughter, Emma D. Thomas; that on January 9, 1902, written application was filed for the enrollment of Edna Lee Thomas, minor daughter of Atrus Thomas and W. I. Thomas as a citizen by blood of the Choctaw Nation;

that application was made to the Commission to the Five Civilized Tribes at Wister, Indian Territory, on June 7, 1899, by Harvey E. McLarty for the enrollment of Sarah McLarty and her minor children, Elton E. McLarty, and Burr McLarty as citizens by blood of the Choctaw Nation; that on October 8, 1900, written application was filed for the enrollment of Ida Bolin McLarty, minor child of Harvey E. McLarty and Sarah McLarty as a citizen by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Spiro, Indian Territory, on June 15, 1899, by Amanda I. Brake, for the enrollment of herself and her minor daughter, Mary Brake, as citizens by blood of the Choctaw Nation.

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 7, 1896, for the admission of certain of the applicants herein as citizens of the Choctaw Nation, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321), in 1896 Choctaw Citizenship case No. 916, said named appearing in the application as follows: Luther Bennight, Win Bennight, Dora Jeff Bennight, Richard S. Bennight, Annie Bennight, Sarah D. Brogdon, Lily Brogdon, Wesly H. Brogdon, Jody J. Brogdon, Alaminta Brogdon, Hazy Ann F. Vandergriff, James M. Vandergriff, William P. Vandergriff, Emer L. Vandergriff, Annie C. Vandergriff, and Dovie D. Vandergriff, The names of Susan S. Bennight, Jessie D. Bennight, Millard Bennight, Evy G. Bennight, Mandy I. Vandergriff, Sarah McLarty, Elton E. McLarty, Burr McLarty, and Sam Snyder also appeared in said application.

It further appears from the records in the possession of the Commission to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 9, 1896, for the admission of certain of the applicants herein as citizens of the Choctaw Nation, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321), in 1896 Choctaw Citizenship case No. 1026, the names of said applicants appearing in said application as follows: James Johnson, S. Ann Stonecipher, James B. Stonecipher, Essie May Stonecipher, Bessie Bertha Stonecipher, Roscoe Stonecipher, Dortus Parish, Nellie T. Parish, Milus Johnson, Alvin Johnson, William C. Johnson, Jesse B. Johnson, Esco Johnson, Addie May Johnson, Delila Johnson, Laura C. McKinley, Lena A. Williams, Samuel C. Williams, Samuel M. McKinley, Josephine O. McKinley, and John Leo McKinley, The Name of Atrus Johnson also appeared in said application.

On December 4, 1896, the Commission denied the applicants in case No. 916, and on December 5, 1896, said Commission denied the applicants in case No. 1026.

From these decisions of the Commission appeal was taken to the United States Court for the Central District of Indian Territory, said cases being consolidated on appeal, which court on September 11, 1897, rendered a judgment admitting all of said applicants to citizenship in the Choctaw Nation except Susan S. Bennight, Jesse D. Bennight, Millard Bennight, and Evy G. Bennight, whose applications were denied by said judgment.

Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw-Chickasaw Citizenship Court of December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle et al".

Said cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo, and on April 18, 1904, in the case entitled "Sarah D. Brogdon, et al., vs. Choctaw and Chickasaw Nations" (Choctaw-Chickasaw Citizenship Court case No. 65, South McAlester Docket), said Citizenship Court rendered a judgment therein, wherein it was ordered, adjudged and decreed that the petition of the plaintiffs, Sarah D. Brogdon, Wesley H. Brogdon, Jodie J. Brogdon, Allamanta Brogdon, Hazy Ann F. Vandergriff, Amaida I. Brake or Amanda I. Vandergriff, James M. Vandergriff, William P. Vandergriff, Emma I.

Manly or Emma L. Vandergriff, Annie C. Vandergriff, James C. Johnson, S. Ann Stonecipher, James B. Stonecipher, Esa May Stonecipher, or Essie May Stonecipher, Bessie Bertha Stonecipher, Roscoe Stonecipher, Dartus Parrish or Dortus Parish, Nellie T. Parrish or Parish, Milus Johnson, Beatrice Thomas or Atrus Johnson, Addie May Johnson, Alvin Johnson, William C. Johnson, Jesse B. Johnson, or Jessie B. Johnson, Esco Johnson or Escoe Johnson, Laura C. Vanderslice or Laura C. McKinley, Josephine C. McKinley, John Lee McKinley, Lena A. Boggs, or Lena A. Williams, Samuel C. Williams, Delila h Johnson or Delila Johnson, Sarah McClarty, Elton E. McClarty and Burr McClarty be denied and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom; and as to the petitioners, Riley Brogdon . . . . the Court having no jurisdiction, their petition is dismissed".

On the same date said Citizenship Court rendered a judgment in the case of "Susan S. Benight, et al., vs. Choctaw and Chickasaw Nations", wherein it was "ordered, adjudged and decreed that the petition of theplaintiffs, Susan S. Benight, Richard S. Benight, Jessie D. Benight, or Jesse D. Benight, Annie E. Benight or Annie Benight, James Lutler Benight or Luther Benight, Winn Benight, Dora Jeff Benight, Millard Benight, and Evy G. Benight or Eva G. Benight, be denied, and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom."

On May 9, 1902, theCommission to the FiveCivilized Tribes refused the application for the enrollment of Oza Wingfield, Emily C. Wingfield, Samuel W. Wingfield, and William G. Wingfield, under the provisions of the Act of Congress approved May 31, 1900 (31 Stats.,221), and on June 9, 1902, this action of the Commission was approved by the Department.

On November 20, 1900, the Commission to the Five Civilized Tribes refused the application for the enrollment of Minerva A. Battershell, Binney D. Smith, Toby Y. Smith and Lucy I. Battershell under the provisions of the Act of Congress approved May 31, 1900, (31 Stats., 221), and on April 3, 1901, this action of the Commission was approved by the Department.

On May 27, 1904, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Hildreth Vandergriff, Agnes Messersmith, Robert Jackson Vanderslice, Fannie L. Johnson, Eulalie Johnson, Nannie E. Parish, Ethel May Parish, L. C. Stonecipher, Oto Stonecipher, Tennie M. Bennight, Emma D. Thomas, Edna Lee Thomas, Ida Bolin McLarty, and Virgle Benton Johnson, for the reason that the citizenship of the persons through whom said applicants claimed a right to enrollment had been adversely determined by the Choctaw-Chickasaw Citizenship Court.

On May 27, 1904, the application for the enrollment of Alice Johnson as a citizen by intermarriage of the Choctaw Nation was dismissed by the Commission to the Five Civilized Tribes for the reason that her husband, through whom she claimed her intermarried rights had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

On February 1, 1905, the Commission to the Five Civilized Tribes dismissed the application for the enrollment of Samuel M. McKinley in accordance with the opinion of the Acting Attorney General

dated May 9, 1904 (I.T.D. 3824-1904), and the opinion of the Assistant Attorney General dated July 30, 1904 (I.T.D. 5246-1904.)

By a general order of the Commission of March 31, 1905, the applications for the enrollment of Clara Messersmith, Mary Brake and Annie C. Vandergriff were dismissed, said applicants having died prior to September 25, 1902.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on June 25, 1906, by W. O. Pool and M. L. Lindly, attorneys at law, South McAlester, Indian Territory, a petition praying for the enrollment of Susan Benight, R. S. Benight, Jessie D. Benight, Millard Benight, Eva G. Benight, Hazy Ann Vandergriff, Sillar Elizabeth Sorrels, Sarah McClarty, Amanda I. Bakes (nee Vandergriff), William P. Vandergriff, Emma L. Vandergriff, Annie C. Vandergriff, Dora D. Vandergriff, Lucinda Snyder, Samuel Snyder, Wilbert Shandy, John Shandy, Georgia A. Bottoms or Georgie Bottom, James Bottom, Minnie Bottom, Becca McLain or Rebecca McLain, Frankie Bryant (nee McLain) Manerva Smith, Benjamin Smith, Tobias Smith, E. Battershell, Lucy Battershell, Sarah Brogden, Westly H. Brogden, Allamenta Brogden, Joseph L. Brogden, Riley Brogden, James C. Johnson, Belilah Johnson, S. Ann Stonecipher, Dartus Parish, Milas Johnson, Atrus Thomas, Alvin Johnson, William C. Johnson, Maude May Johnson, Esco Johnson, Laura C. Vanderslice or Laura C. McKinley, Samuel M. McKinley, Joseph C. McKinley, John Leo McKinley, Samuel C. Williams, Emma D. Thomas, Fannie Johnson, Eloyar Johnson, Earnest Johnson, Allice Johnson, Virgel Johnson, Samuel Sorrels, Manda C. Sorrels, Anna Benight, Luther Benight, Wenn Benight, Dora Jeff Benight, Elton E. McClarty, Burr McClarty, James B. Stonecipher, Essie Stonecipher, Bessie Stonecipher, Roscoe Stonecipher, Otto Stonecipher, Nellie T. Baggett (nee Parish), Oza Wingfield, or Osa Wingfield or Ozie Windfield, Emily C. Windfield, Samuel Windfield, Mrs. David W. Reeves, and Lena A. Boggs or Lela Boggs as citizens of the Choctaw Nation.

The petitioners, Luther Benight, Wenn Benight, Dora Jeff Benight, R. S. Benight, Annie Benight, Sarah Brogden, Riley Brogden, Westly H. Brogden, Joseph L. Brogden, Fannie Johnson, Elovar Johnson, Oza Wingfield, or Osa Wingfield, or Ozie Windfield, Allamenta Brogden, Hazy Ann Vandergriff, William P. Vandergriff, Emma L. Vandergriff, Annie C. Vandergriff, Dora D. Vandergriff, James C. Johnson, S. Ann Stonecipher, James B. Stonecipher, Essie Stonecipher, Bessie Stonecipher, Roscoe Stonecipher, Emily C. Windfield, Samuel Windfield, Dartus Parish, Nellie T. Baggett (nee Parish), Milas Johnson, Alvin Johnson, William C. Johnson, Maude May Johnson, Esco Johnson, Delilah Johnson, Laura C. Vanderslice, Samuel C. Williams, Samuel M. McKinley, Joseph C. McKinley, John Leo McKinley, Manerva Smith, Benjamin Smith, Tobias Smith, Lucy Battershell, Allice Johnson, Virgel Johnson, Sarah McClarty, Amanda I. Bakes (nee Vandergriff,) Atrus Thomas, Elton E. McClarty, Burr McClarty and Emma D. Thomas, are identical with the persons for whose enrollment as citizens of the Choctaw Nation applications were made under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495).

This office has no record of any application ever having been made for the enrollment of the petitioners, Susan Benight, Jessie D. Benight, Millard Benight, Eva G. Benight, Samuel Snyder, Sillar Elizabeth Sorrels, Lucinda Snyder, Wilbert Shandy, John Shandy, Georgia A. Bottoms or Georgie Bottom, James Bottom, Minnie Bottom, Becca McLain or Rebecca McLain, Frankie Bryant (nee McLain), Earnest Johnson, Samuel Sorrels, Manda C. Sorrels and Mrs. David W. Reeves at any time prior to December 1, 1905.

Applications were received for the enrollment of the following persons as citizens of the Choctaw Nation, under the pro-

visions of the Act of Congress approved April 26, 1906 (34 Stats., 137):

June 11, 1906, Posena Vandergriff, Born September 10, 1903, minor child of James M. Vandergriff, and Cleo Vandergriff;

June 1, 1906, Carl R. Vandergriff, born March 28, 1904, minor son of William P. Vandergriff, and Belle Vandergriff;

June 18, 1906, Annie Myrtle Manly, born September 17, 1903, minor daughter of James Manly and Emma L. Manly;

June 11, 1906, Ury Eugene Boggs, Born November 25, 1902, Samuel Leslie Boggs and John Lester Boggs, born September 12, 1905, minor children of Warren Boggs and Lena A. Boggs.

It is alleged in the petition filed June 25, 1906, that the Indian blood and residence, as well as the birth of the petitioners, in the Choctaw Nation entitled them under all the laws and treaties, usages and customs and decisions of the Attorney General to be enrolled as members of the Choctaw tribe of Indians; that the Commission to the Five Civilized Tribes, the United States Court and the Choctaw-Chickasaw Citizenship Court had no jurisdiction over said petitioners.

It does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that the petitioners have ever been recognized or enrolled as citizens of the Choctaw Nation by the tribal authorities of said nation. The names of none of said petitioners appear upon any of the tribal rolls of the Choctaw Nation in the possession of this office.

I am, therefore, of the opinion that the petitioners have never occupied such a status as would entitle them to enrollment as citizens of the Choctaw Nation; that the action of the Choctaw-Chickasaw Citizenship Court of April 18, 1904, is final and that the applications for the enrollment of Richard S. Bennight, Luther Bennight, Winn Bennight, Dora J. Bennight, Laura C. Vanderslice, Josephine C. (or Joseph C.) McKinley, John Leo McKinley, Hazey A. F. Vandergriff, James M. Vandergriff, William P. Vandergriff, Emma L. Vandergriff, Dovey D. Vandergriff, James C. Johnson, Alvin Johnson, William C. Johnson, Jesse B. Johnson, Esco Johnson Addie May Johnson, Sarah D. Bragdon, Wesley H. Bragdon, Jodie J. (or Joseph L.) Bragdon, Allaminta Bragdon, Riley Bragdon, Lena A. Williams, Samuel C. Williams, Dortus Parish, Nellie J. Parish, Samantha Stonecipher, James B. Stonecipher, Essie M. Stonecipher, Bessie B. Stonecipher, Roscoe Stonecipher, Milus Johnson, Sarah McLarty, Elton E. McLarty, Burr McLarty, Amanda I. Brake and Artus Thomas as citizens by blood of the Choctaw Nation, and the petition herein in so far as same applies to said applicants, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the application for the enrollment of Delilah Johnson and Anna Bennight as citizens by intermarriage of the Choctaw Nation, and the petition herein in so far as same applies to said applicants, should be denied, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that following the ruling of the Department of May 25, 1906 (I.T.D. 9114-1906), in the case of Laura E. Akin, the application for the admission of Susan S. Benight, Willard Benight, Evy G. Benight, Sam Snyder and Jessie

D. Benight as citizens of the Choctaw Nation, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), were not continuing applications, and inasmuch as no application was filed for their enrollment as citizens of the Choctaw Nation prior toDecember 1, 1905, the petition herein in so far as it applies to said petitioners, should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Samuel M. McKinley, Otto (or Oto) Stonecipher, Fannie (or Fannie L.) Johnson, Eloyer (or Eulalie) Johnson, Annie C. Vandergriff, Alice Johnson, Virgel (or Virgle Benton) Johnson and Emma D. Thomas, whose applications for enrollment as citizens of the Choctaw Nation have heretofore been dismissed, should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Minerva Smith, Benjamin Smith, Tobias Smith, Lucy Battershell, Ozie Windfield, Emily C. Windfield, and Samuel W. Windfield, whose applications for enrollment as citizens of the Choctaw Nation have heretofore been refused, should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein, in so far as it applies to the petitioners, Sillar Elizabeth Sorrels, John Shandy, Georgia Bottom, Rebecca McLain, Mrs. David W. Reeves, E. Battershell, Frankie Bryant (nee McLain) and Dora D. Vandergriff, for whose enrollment as citizens of the Choctaw Nation no application was made prior to December 1, 1905, should be dismissed and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Lucinda Snyder, Wilbert Shandy, James Bottom, Minnie Bottom, Earnest Johnson, Samuel Sorrels and Manda C. Sorrels, should be considered as an application for the enrollment of said petitioners as citizens of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), that said application should be denied, and it is so ordered.

I am further of the opinion that the applications filed June 1, 1906, June 11, 1906, and June 18, 1906, for the enrollment of Carl R. Vandergriff, Rosena Vandergriff, Ury Eugene Boggs, Samuel Leslie Boggs John Lester Boggs and Annie Myrtle Manly as citizens of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Tams Bixby,
Commissioner.

Muskogee, Indian Territory,
Feb. 18, 1907.

Choc. Minor 1050
Eula Gladys Beach

M1050

1050

MINOR

CHOCTAW
ENROLLMENT
EULA GLADYS BEACH
As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26. 1906

REFUSED JAN 16 1907

COPY OF DECISION FORWARDED
APPLICANT JAN 16 1907

Copy of Decision Forwarded
Attorneys for Choctaw and
Chickasaw Nations
JAN 16 1907

RECORD FORWARDED DEPARTMENT.
JAN 16 1907

1050

NEW BORN 1050
217

IN RE

Application for Enrollment of

INFANT CHILD

Rula Gladys Beach
as a citizen of

Choctaw Nation.

Approved 190

Commissioner.

Born Dec, 18 1904
Act of Congress approved April 26, 1906.
DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE
CIVILIZED TRIBES.
F I L E D SEP 4 1906
Tams Bixby, Commissioner.

Choctaw Received Jul 24, 1906
N. B. 1050.

BIRTH AFFIDAVIT.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Eula Gladys Beach (Here insert name of child), born on the 18 day of Dec., 1904

Name of Father: J. J. Beach a citizen of the Nation.

Name of Mother: Adela Bell Beach a citizen of the Choctaw Nation.

Postoffice Purdy I. T.

(SEAL) AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Southern DISTRICT. }

I, Adela Bell Beach, on oath state that I am 20 years of age and a citizen by blood, of the Choctaw Nation; that I am the lawful wife of John J. Beach, who is a citizen, by , of the Nation; that a female (Male or Female.) child was born to me on 18th day of December, 1904; that said child has been named Eula Gladys Beach, and was living March 4, 1906

Adela B. Beach

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 23 day of July, 1906.

R. W. Small
Notary Public.

(SEAL) AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Southern DISTRICT. }

I, J. W. Tucker, a Physician, on oath state that I attended on Mrs. Adela Bell Beach, wife of John J. Beach on the 18 day of December, 1904; that there was born to her on said date a female (Male or Female.) child; that said child was living March 4, 1906, and is said to have been named Eula Gladys Beach

J. W. Tucker M. D.

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 23 day of July, 1906.

R. W. Small
Notary Public.

23-1050.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-:O:-

In the matter of the application for the enrollment of Eula Gladys Beach as a citizen by blood of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that on July 24, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Eula Gladys Beach as a citizen by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that Eula Gladys Beach was born December 18, 1904 and is the daughter of Adela B. Beach who, as Adella B. Welch, was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court April 18, 1904 in case No. 101 on the South McAlester Docket thereof, and John J. Beach, a non citizen.

I am of the opinion that Eula Gladys Beach is not entitled to enrollment as a citizen by blood of the Choctaw Nation and that the application for her enrollment as such should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

JAN 16 1907

23-1050.

COPY

Muskogee, Indian Territory, January 16, 1907.

J. J. Beach,

Purdy, Indian Territory.

Dear Sir:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 16, 1907, denying the application for the enrollment of Eula Gladys Beach as a citizen by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.
23-1050.

23-1050.

COPY

Muskogee, Indian Territory, January 16, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 16, 1907, denying the application for the enrollment of Eula Gladys Beach as a citizen by blood of the ChoctawNation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

23-10-60.

COPY

Muskogee, Indian Territory, January 16, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Eula Gladys Beach as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 16, 1907, denying said application.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Through the
Commissioner of Indian Affairs.

23-1060.

J.F.
WHR.

LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

DS-12435-1907.
I.T.D. 4974, 4980, 4988, 4998, 5004-07.
5016, 5064, 5182, 5198, 5478- "
5518, 5534, 5536, 5536, 5542- "
5544, 5552, - "

March 1, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw enrollment cases adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
Dora Anderson (or Toombs)	February 9, 1907
Mattie Evans, et al.,	January 16, 1907
Marvin R. Stanphill and Ada M. Stanphill	January 9, 1907
Eula Gladys Beach,	January 18, 1907
John Keaton, et al.,	January 18, 1907
Okla Vivian Bolling,	December 1, 1906
Edward Maifeh,	December 1, 1906
Robert Lee Nolan, et al., (Freedmen)	February 9, 1907
Harvey Stover and Hazel Stover,	January 8, 1907
Mary Ransom, (Freedman)	January 10, 1907
Frank Pynum,	January 28, 1907
Ira T. Brown,	January 10, 1907
Richard Colbert, (Freedman)	February 9, 1907
Mattie Alice and Wm. Robert Strickland,	January 4, 1907
Monty Sanders,	December 1, 1906
Emeline G. Adams, et al., (Miss. Choc.)	January 23, 1907
Jesse Bellinger, et al.,	December 24, 1906

Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed, are inclosed.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

17 ins. and 34 for Ind. Of.

AWG
3-1-07

-Copy-

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

DC-12435-1907
Land
6920-1907

February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Eula Gladys Beach as a citizen by blood of the Choctaw Nation.

Commissioner Bixby reports that it appears from the record in the case and from the records in his possession that the applicant was born December 18, 1904, and is the daughter of Adela B. Beach, who, as Adella B. Welch, was denied citizenship in the Choctaw Nation by the Choctaw-Chickasaw Citizenship Court April 18, 1904, in case No. 101 of the South McAlester docket of the court, and John J. Beach, a non-citizen. On account of the lack of citizenship status of the parents, the Commissioner on January 16, 1907, determined that the applicant was not entitled to enrollment and rejected her. The applicant necessarily was dependent for tribal status on the status of one or the other of the parents and neither being enrolled as citizens of the Choctaw Nation the applicant is not entitled to enrollment, and the approval of the decision of the Commissioner is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

KBH-Y.

23-1050

Muskogee, Indian Territory, March 29, 1907.

J. J. Beach,

Purdy, Indian Territory,

Dear Sir:

You are hereby advised that on March 1, 1907, the Secretary of the Interior affirmed the decision of this office of January 16, 1907, denying the application for the enrollment of Eula Gladys Beach as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

23-1060

Muskogee, Indian Territory, March 29, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on March 1, 1907, the Secretary of the Interior affirmed the decision of this office of January 16, 1907, denying the application for the enrollment of Eula Gladys Beach as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

Muskogee, Indian Territory, August 13, 19 06.

Adela B. Beach,

Purdy, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of the affidavits of Adela B. Beach and J. W. Tucker, M. D., to the birth of Nula Gladys Beach on December 18, 1904.

It is stated in your affidavit that you are a citizen by blood of the Choctaw Nation. If this is correct you are requested to give the names of your parents, the name under which application was made for your enrollment and, if you have made selection of an allotment, give your name and roll number as same appear upon your allotment certificates or deeds to land in the Choctaw Nation.

Respectfully,

Commissioner.

DCS.

Purdy, I. T.

August 27, 1906.

Commission to the five Tribes,

Muskogee.

Gentlemen:

In regard to the Affidavit of Eula Gladys Beach, Emma J. Welch is my mother name a Choctaw by blood and was inroled at Pawls Valey. I havent made any selection a an allotment for my baby yet

Please correct The Affidavit Very Respectfully,

Adela B. Beach nee Welch.

7-5011

Muskogee, Indian Territory, September 1, 1906.

Adela B. Beach,

Purdy, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of August 27, 1906, stating that you are a Choctaw by blood and giving the names of your parents.

This information has enabled this office to identify you as having been denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court and the same has been filed with the affidavits to the birth of your child Eula Gladys Beach.

Respectfully,

Acting Commissioner.

Choctaw Minor 1051

Marvin T. Blake

M 1051

1051

MINOR

CHOCTAW
ENROLLMENT

MARVIN T. BRAKE

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26. 1906

REFUSED FEB 27 1907

RECORD FORWARDED DEPARTMENT
FEB 27 1907

ACTION APPROVED BY
SECRETARY OF INTERIOR MAR 4 1907

Notice of Departmental Action
Forwarded Attorneys for Choctaw
and Chickasaw Nations APR 18 1907

Notice of Departmental
Action Mailed Applicant APR 18 1907

1051

New Born 1051

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Marvin T. Brake

as a citizen of

Choctaw Nation.

Approved ..... 190...

.....
Commissioner.

Born Oct. 28, 1904

Act of Congress approved
April 26, 1906.

Department of the Interior
Commissioner to the Five
Civilized Tribes.

Filed May 16,1906.

Tams Bixby,
Commissioner.

Choctaw N.B. 1051

Received May 12, 1906.

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Marvin T. Brake [Here insert name of child], born on the 28th day of Oct., 1904

Name of Father: U. F. Brake a citizen of the Choctaw Nation.

Name of Mother: Amanda I. Brake a citizen of the Choctaw Nation.

Tribal enrollment of father intermarried Tribal enrollment of mother Choctaw

Postoffice Pocola, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Amanda I. Brake on oath state that I am 28 years of age and a citizen by blood, of the Choctaw Nation; that I am the lawful wife of U. F. Brake, who is a citizen, by intermarriage, of the Choctaw Nation; that a male [Male or Female] child was born to me on 28 day of October, 1904, 1; that said child has been named Marvin T. Brake, and was living March 4, 1906.

Amanda I. Brake

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 10 day of May 1906. (SEAL)

W. F. Lester
Notary Public.

My com. exp Feb. 27-1910

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
District.

I, , a , on oath state that I attended on , wife of on the day of , 1; that there was born to her on said date a [Male or Female] child; that said child was living March 4, 1906, and is said to have been named

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this day of 1906.

Notary Public.

N. B. The attending physician of the inclosed child has moved away from here and is now living in Fort Smith, ArK. The name of the doctor was Simms. The witnesses to the above child is

hazy f. vandergriff,
Eliza A. Lester
Nancy J. Vines

(SEAL)

23-1051. O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Marvin T. Brake as a citizen by blood of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on May 12, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Marvin R. Brake as a citizen by blood of the Choctaw Nation.

It further appears from the record herein and from the records in the possession of this office that said applicant was born on October 28, 1904, and is the son of U. F. Brake, a non-citizen, and Amanda I. Brake, who was denied citizenship in the Choctaw Nation on April 18, 1904, by a decree of the Choctaw and Chickasaw Citizenship Court, in case No. 65 upon the South McAlester Docket of said Court, and whose petition for enrollment as a citizen by blood of the Choctaw Nation was denied by the Commissioner to the Five Civilized Tribes on February 18, 1907.

I am, therefore, of the opinion that the application for the enrollment of Marvin T. Brake as a citizen by blood of the Choctaw Nation should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

FEB 21 1907

_____.

23-1061

COPY

Muskogee, Indian Territory, February 27, 1907.

U. F. Brake,

Pocola, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, denying the application for the enrollment of Marvin T. Brake as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.
Incl. 23-1061.

23-1061

COPY

Muskogee, Indian Territory, February 27, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, denying the application for the enrollment of Marvin T. Brake as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 23-1061.

COPY

Muskogee, Indian Territory, February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Marvin T. Drake as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, denying said application.

Respectfully,

SIGNED Tams Bixby

Commissioner.

2 Incl.

Through the
Commissioner of Indian Affairs.

I.T.D. 7848-1907.
D. C. 13270-1907.

WWM. LRC.

DEPARTMENT OF THE INTERIOR,

Direct.

WASHINGTON, March 4, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following citizenship cases, adverse to the applicants, are hereby affirmed. Copy of Indian Office letters of March 4, 1907, submitting your reports and recommending that the decisions be affirmed, is herein with enclosed.

Title of Case.	Date of your letter of transmittal.
Stephen Gunter, Cherokee freedman,	February 26, 1907.
Marvin T. Drake, Choctaw by blood,	February 27, 1907.
Addie Goldsmith, et al. Choctaws by blood,	February 26, 1907.
Catherine Brewer, et al., Cherokee freedmen,	February 27, 1907.
Henry Ely, et al., Cherokee freedmen,	February 27, 1907.
Frances Marshall, Choctaw by blood,	February 27, 1907.
Jennie Roberson, et al., deceased, Creek freedmen,	February 26, 1907.
Clyde Wilton Hendrick, Cherokee freedman,	February 26, 1907.
Annie Johnson, Creek by blood,	February 27, 1907.
Mary Byington, Choctaw by blood,	February 27, 1907.
Roy Thompson, deceased, Creek by blood,	February 26, 1907.
Sarah Ann Dawson, et al., Cherokee freedmen,	February 26, 1907.
Katie Arch, et al., deceased, Creeks by blood,	February 27, 1907.
Bessie Springer, et al., Choctaws by blood,	February 26, 1907.
Ada E. White, Cherokee by blood,	February 26, 1907.
Horatio John Rose, Cherokee by intermarriage	February 27, 1907.
John F. Devaughn, Cherokee by intermarriage	February 27, 1907.
Maude Kila Jones, Cherokee freedmen,	February 26, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

E.A. Hitchcock,

Secretary.

1 enclosure, and 34 enclosures, to Ind.Of. with copy hereof.
WGP-3-4-07.

Refer in reply to the following:
Land: References in body of letter.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

C O P Y. WASHINGTON, March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There are enclosed herewith the records of proceedings in the matter of the applications for the enrollment of the following persons:

21250-1907: Horatio John Rose, as a citizen by intermarriage of the Cherokee Nation.

21244-1907: John F. Devaughn, " " " "

21252-1907: Ada E. White, as a citizen by blood of the Cherokee Nation.

21259-1907: Marvin T. Brake, as a citizen by blood of the Choctaw Nation.

21260-1907: Bessie Springer,
Lillie Livingston,
Jesse Springer, and
Richard Springer, " " " "

21261-1907: Addie Goldsmith,
Christie Goldsmith,
Carrie Goldsmith,
Stanley Goldsmith,
Otis Goldsmith,
Rose Goldsmith,
Henry Goldsmith,
Mabel Goldsmith,
Lincoln Jefferson Goldsmith,
Guy Goldsmith,
Solomon Goldsmith,
Lloyd Goldsmith,
Tecumseh Goldsmith,
Orange Goldsmith, as citizens by blood of the Choctaw or Chickasaw Nations;
Ethel Goldsmith,
Ola Goldsmith, and
Rosie Goldsmith, as citizens by blood of the Choctaw Nation.

21262-1907: Mary Byington, as a citizen by blood of the Choctaw Nation.

21276-1907: Katie Arch,et al.,all deceased, as citizens by blood of the Creek Nation.(Katie Arch,Lewis Arch,Lizzie Arch and Nellie Arch).

21264-1907: Roy Thompson, deceased, as a citizen by blood of the Creek Nation.

21274-1907: Annie Johnson, as a citizen by blood of the Creek Natio

21238-1907: Clyde Wilton Hardrick, as a Cherokee freedman.

21240-1907: Stephen Gunter, as a Cherokee freedman.

21241-1907: Maude Nila Jones, as a Cherokee freedman.

21243-1907: Henry Bly,
Jeanna Bly,
Henry Bly, Jr.,
Jesse Bly,
Lucinda Bly,
Charles Bly,
Laurensie Bly,
Morgan Bly, as Cherokee freedmen.

21239-1907: Sarah Ann Dawson, and
Lillian Beatty, as Cherokee freedmen.

21242-1907: Catherine Brewer ,
Henry Brewer,
Margaret Brewer, and
Willey Brewer, as Cherokee freedmen.

21263-1907: Jennie Roberson,
Ether Roberson, and
Fany Roberson, as Creek freedmen (all deceased).

21258-1907: Frances Marshall, as a Choctaw freedman, or as a citizen of the Choctaw Nation.

The decisions of the Commissioner to the Five Civilized Tribes, relative to the enrollment of the above named applicants, were adverse in each case.

The decisions of Commissioner Bixby have been examined, they are found to be correct, and the Office recommends that they be approved.

Very respectfully,

C.F.Larrabee,

Acting Commissioner.

WEM-LC.

28-1051

Muskogee, Indian Territory, April 18, 1907.

W. F. Brake,

Pocola, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 27, 1907, denying the application for the enrollment of Marvin T. Brake as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

23-1051

Muskogee, Indian Territory, April 18, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 27, 1907, denying the application for the enrollment of Marvin T. Brake as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

7-2759

Muskogee, Indian Territory, May 16, 1906.

Amanda I. Brake,

Pecola, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your affidavit to the birth of Marvin T. Brake, son of U. F. and Amanda I. Brake, October 28, 1904.

Respectfully,

Acting Commissioner.

S.T.P. 7828-1907.
D. C. 13270-1907.

WH.M.LRS.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, March 4, 1907.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following citizenship cases, adverse to the applicants, are hereby affirmed. Copy of Indian Office letter of March 2, 1907, submitting your reports and recommending that the decisions be affirmed, is herewith enclosed.

Title of Case.	Date of your letter of transmittal.
Stephen Gunter, Cherokee freedman	February 26,1907.
Marvin T.Drake,Choctaw by blood,	February 27,1907.
Addie Goldsmith, et al.,Choctaws by blood,	February 25,1907.
Catherine Brewer,et al.,Cherokee freedmen,	February 27,1907.
Henry Bly,et al.,Cherokee freedmen,	February 27,1907.
Frances Marshall, Choctaw by blood,	February 27,1907
Jennie Roberson,et al.,deceased,Creek freedmen,	February 26,1907.
Clyde Wilton Hardrick,Cherokee freedman,	February 25, 1907.
Annie Johnson, Creek by blood,	February 27,1907.
Mary Byington, Choctaw by blood,	February 27,1907.
Roy Thompson,deceased,Creek by blood,	February 26,1907.
Sarah Ann Dawson,et al.Cherokee freedmen,	February 26,1907.
Katie Arch,et al.,deceased,Creeks by blood,	February 27,1907.
Bessie Springer,et al.,Choctaws by blood,	February 26, 1907.
Ada E. White, Cherokee by blood,	February 26,1907.
Horatio Kohn Rose,Cherokee by intermarriage	February 27,1907.
John F. Devaughn,Cherokee by intermarriage	February 27,1907.
Maude Hila Jones, Cherokee freedman	February 26, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

E.A.Hitchcock,

Secretary.

1 enclosure, and 54 enclosures to Ind.Of. with copy hereof.
WCF.3-4-07.

Refer in reply to the following:
Land: References in body of letter.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, March 2, 1907.

Copy.

The Honorable,

The Secretary of the Interior.

Sir:

There are enclosed herewith the records of proceedings in the matter of the applications for the enrollment of the following persons:

21250-1907: Horatio John Rose, as a citizen by intermarriage of the Cherokee Nation.
21244-1907: John F. Brewington, " " " "
21252-1907: Ada E. White, as a citizen by blood of the Cherokee Nation.
21259-1907: Marvin T. Drake, as a citizen by blood of the Choctaw Nation.
21260-1907: Bessie Springer,
Lillie Livingston,
Jesse Springer, and
Richard Springer, " " " "

21261-1907: Addie Goldsmith,
Christie Goldsmith,
Carrie Goldsmith,
Stanley Goldsmith,
Otis Goldsmith,
Rena Goldsmith,
Henry Goldsmith,
Mabel Goldsmith,
Lincoln Jefferson Goldsmith,
Guy Goldsmith,
Solomon Goldsmith,
Lloyd Goldsmith,
Tecumseh Goldsmith,
Orange Goldsmith, as citizens by blood of the Choctaw or Chickasaw Nations;
Ethel Goldsmith,
Ola Goldsmith, and
Nesie Goldsmith, as citizens by blood of the Choctaw Nation.
21268-1907: Mary Byington, as a citizen by blood of the Choctaw Nation.
21276-1907: Katie Arch ,et al.,all deceased,as citizens by blood of the Creek Nation.(Katie Arch Lewis Arch, Lizzie Arch and Nellie Arch).

21464-1907: Ray Thompson, deceased, as a citizen by blood of the Creek Nation.
21274-1907: Annie Johnson, as a citizen by blood of the Creek Nation.
21238-1907: Clyde Wilton Hendrick, as a Cherokee freedman.
21241-1907: Maude Nila Jones, as a Cherokee freedman.
21240-1907: Stephen Gunter, as a Cherokee freedman.
21243-1907: Henry Bly,
Jeanne Bly,
Henry Bly, Jr.,
Jesse Bly,
Lucinda Bly,
Charles Bly,
Lawrence Bly, and
Morgan Bly, as Cherokee freedmen.

21239-1907: Sarah Ann Dawson, and
Lillian Beatty, as Cherokee freedmen.

21242-1907: Catherine Brewer,
Henry Brewer,
Margaret Brewer, and
Willey Brewer, as Cherokee freedmen.

21263-1907: Jennie Roberson,
Ether Roberson, and
Fany Roberson, as Creek freedmen (all deceased).

21258-1907: Frances Marshall, as a Chocktawfreedman, or as a citizen of the Chocktaw Nation.

The decisions of the Commissioner to the Five Civilized Tribes, relative to the enrollment of the above named applicants, were adverse in each case.

The decisions of Commissioner Bixby have been examined, they are found to be correct, and the Office recommends that they be approved.

Very respectfully,

S.W.Larrabee,

Acting Commissioner.

KMS-LL.

Choctaw Minor 1052

Mattie Opal Bottoms

M 1052

MINOR

CHOCTAW
ENROLLMENT

MATTIE OPEL BOTTOMS

As Citizen of the

CHOCTAW NATION

Act of Congress

Approved April 26. 1906

REFUSED JAN 16 1907

COPY OF DECISION FORWARDED APPLICANT
JAN 16 1907

Copy of Decision Forwarded

Attorneys for Choctaw and Chickasaw Nations.

Jan 16 1907

RECORD FORWARDED DEPARTMENT
JAN 16 1907

ACTION APPROVED BY SECRETARY OF INTERIOR FEB 26 1907

Notice of Departmental Action Forwarded Attorneys for Choctaw and Chickasaw Nations
MAR 23 1907

Notice of Departmental Action Mailed Applicant

MAR 23 1907

1052

New Born 1052

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Mattie Opel Bottoms

as a citizen of

Choctaw Nation.

Approved..... 190...

.....
Commissioner.

Born Nov 28, 1904

Act of Congress approved April 26, 1906.
Department of the Interior
Commissioner to the Five Civilized Tribes.
F I L E D Aug 2, 1906
Tams Bixby Commissioner

Choctaw Received Jul 9 1906
N. [illegible]. 1052

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Mattie Opal Bottoms [Here insert name of child] born on the 28 day of November 1904

Name of Father: William Elmer Bottoms a citizen of the Choctaw Nation.

Name of Mother Cora L. Bottoms a citizen of the U. S. Nation.

Tribal enrollment of father Choctaw Tribal enrollment of mother

Postoffice Pauls Valley

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Cora L. Bottoms, on oath state that I am 20 years of age and a citizen by , of the United States Nation; that I am the lawful wife of William Elmer Bottoms, who is a citizen, by Blood, of the Choctaw Nation; that a Female [Male or Female] child was born to me on 28 day of November 1904.; that said child has been named Mattie Opal Bottoms and was living March 4, 1906.

Cora L. Bottoms

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 27th day of July 1906.

(SEAL)

Marion Henderson
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Alex W. Gray, a physican, on oath state that I attended on Cora L. Bottoms, wife of William Elmer Bottoms on the 28 day of November 1904.; that there was born to her on said date a Female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Mattie Opal Bottoms

Alex W. Gray M. D.

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 7th day of July 1906.

(SEAL)

Marion Henderson
Notary Public

COPY

23-1052.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-:0:-

In the matter of the application for the enrollment of Mattie Opel Bottoms as a citizen by blood of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that on July 9, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Mattie Opel Bottoms as a citizen by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that Mattie Opel Bottoms was born November 28, 1904 and is the daughter of William Elmer Bottoms, who was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on November 28, 1904, in case No. 75 on the Tishomingo Docket thereof, and Cora L. Bottoms, a non citizen.

I am of the opinion that the applicant, Mattie Opel Bottoms, is not entitled to enrollment as a citizen by blood of the Choctaw Nation and that the application for her enrollment as such should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,
JAN 16 1907

COPY

Muskogee, Indian Territory, January 16, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Mattie Opel Bottoms as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 16, 1907, denying said application.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Through the
Commissioner of Indian Affairs.

23-1052.

23-1052

COPY

Muskogee, Indian Territory, January 16, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

I inclose herewith as copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 16, 1907, denying the application for the enrollment of Mattie Opel Bottoms as a citizen by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

23-1052.

23-1052.

COPY

Muskogee, Indian Territory, January 16, 1907.

William E. Bottoms,

Paula Valley, Indian Territory.

Dear Sir:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 16, 1907, denying the application for the enrollment of Mattie Opel Bottoms as a citizen by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interiorfor review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.
23-1052.

J.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. FHR.

D.C. 11791-1907.
I.T.D. 24134-1906.
2984,3172,3190,3194,3196-1907. February 26, 1907.
3213,3316,4584,4586,4610-
4630,4634,4638,4644,4672- "
4690- "

LRS

DIRECT,

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of case.		Date of your letter of transmittal.
Mackey Lee Lane,		June 21,1906,
Sabra Gertrude Douglas,		December 5,1906,
Willis R. McFarland, et al.,		November 15,1906,
Emma Yarborough McBride,		November 12,1906,
Edna Pettijohn, et al.,		November 12,1906,
Jesse McCurry, et al.,		November 12,1906,
Marvin McGuire,		November 12,1906,
Charley Vail, et al.,		November 6,1906,
Arthur Jamison, et al.,		July 25,1906,
Theodore Roosevelt Plato,		December 20,1906,
Charley Scott and Bertha Byrd,	(Freedmen)	October 19,1906,
Mattie Opal Bottoms,		January 16,1907,
Gracie and Jesse Davis,		January 29,1907,
R. L. Crudup, et al.,		January 17,1907,
Waverly (Wavly) Tyler,	(Freedman)	January 26,1907,
David and Emma Gardner,		January 16,1907,
Laura E. Phebus, et al.,		January 26,1907,

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

17 ins. and
34 for Ind. Of.

AFMc
2-27-07

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Land. OFFICE OF INDIAN AFFAIRS,
6981-1907

WASHINGTON. February 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the record of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Mattie Opel Bottoms as a citizen by blood of the Choctaw Nation, wherein a decision of rejection was rendered by the Commissioner on January 16, 1907.

Commissioner Bixby finds from the record in the case and from the records in his possession that Mattie Opel Bottoms was born November 28, 1904, and is the daughter of William Elmer Bottoms, who was denied citizenship in the Choctaw Nation by the Choctaw-Chickasaw Citizenship Court on November 28, 1904, in case No. 75 of the Tishominge docket, and Cora L. Bottoms, a non-citizens. Based on the status of the parents the Commissioner formed the opinion that the applicant is not entitled to enrollment as a citizen by blood of the Choctaw Nation and accordingly rejected her.

Since the father has been rejected on his application for enrollment, and the mother is a non-citizen white woman, it necessarily follows that the child is not entitled to enrollment, and I recommend that the decision of the Commissioner be approved.

Very respectfully,
C. F. Larrabee,
Acting Commissioner.

EBE-Y.

23-1052

Muskogee, Indian Territory, March 23, 1907.

William M. Bottoms,

Pauls Valley, Indian Territory.

Dear Sir:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of January 16, 1907, denying the application for the enrollment of Mattie Opel Bottoms as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

...-1052

Muskogee, Indian Territory, March 23, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of January 16, 1907, denying the application for the enrollment of Mattie Opel Bottoms as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

Choctaw Minor 1053

Floy E. Davis

Madge A. Davis

M. 1053

1053

MINOR

CHOCTAW

ENROLLMENT

FLOY E. DAVIS
MADGE A. DAVIS

As Citizen of the

CHOCTAW NATION

Act of Congress

Approved April 26. 1906

REFUSED JAN 16 1907

Copy of Decision Forwarded
Applicant JAN 16 1907

Copy of Decision Forwarded
Attorneys for Choctaw and
Chickasaw Nations JAN 16 1907

RECORD FORWARDED DEPARTMENT
JAN 16 1907

ACTION APPROVED BY
SECRETARY OF INTERIOR FEB 27 1907

Notice of Departmental Action
Forwarded Attorneys for Choctaw
and Chickasaw Nations APR 3- 1907

Notice of Departmental
Action Mailed Applicant APR 3- 1907

1053

NEW BORN 1053

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Floy E. Davis

as a citizen of

Choctaw Nation.

Approved ..... 190...

.....
Commissioner.

Born April 8, 1902

Act of Congress approved April 26, 1906.
Department of the Interior
Commissioner to the Five
Civilized Tribes
F I L E D MAY 21, 1906
Tams Bixby, Commissioner.
Choctaw N. B. 1053 Received May 15 1906.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Floy E. Davis [Here insert name of child] born on the 8th day of April 1902,

Name of Father: Luther Davis a citizen of the U. S. Nation.

Name of Mother: Rose (Meek) Davis a citizen of the Choctaw Nation.

Tribal enrollment of father ..... Tribal enrollment of mother Choctaw

Postoffice Scipio I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Rose (Meek) Davis, on oath state that I am Twenty Three years of age and a citizen by Blood, of the Choctaw Nation; that I am the lawful wife of Luther Davis, who is a citizen, by ....., of the U. S. ~~Nation~~; that a Femal [Male or Female] child was born to me on 8th day of April 1902; that said child has been named Floy E. Davis and was living March 4, 1906.

Rosie Davis

WITNESSES TO MARK: (SEAL)

[Must be Two Witnesses]

Subscribed and sworn to before me this 12 day of May 1906.

W. T. Terrell
Notary Public.

My commission expires Mch 3 1910

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
District.

I, Emma Blak, a Mid Wife, on oath state that I attended on Rose Davis, wife of Luther Davis on the 8th day of April 1902; that there was born to her on said date a Female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Floy E. Davis

Emma Blak

WITNESSES TO MARK: (SEAL)

[Must be Two Witnesses]

Subscribed and sworn to before me this 12 day of May 1906.

W. T. Terrell
Notary Public.

My commission expires Mch 3, 1910

NEW BORN 1053

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....Madge A Davis.....

as a citizen of

.....Choctaw..... Nation.

Approved..... 190...

.....

Commissioner.

Born Feb 18, 1906

Act of Congress approved April 26, 1906.
Department of the Interior
Commissioner to the Five Civilized Tribes.

F I L E D MAY 21, 1906.
Tams Bixby, Commissioner

Choctaw Received May 15 1906
N. B. 1053

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Madge A. Davis [Here insert name of child], born on the 18 day of Feby 1906.

Name of Father: Luther Davis, a citizen of the Nation.

Name of Mother Rose (Meek) Davis, a citizen of the Choctaw Nation.

Tribal enrollment of father Tribal enrollment of mother Choctaw

Postoffice Scipio

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, Central District.

I, Rose Davis, on oath state that I am Twenty Three years of age and a citizen by Blood, of the Choctaw Nation; that I am the lawful wife of Luther Davis, who is a citizen, by , of the U. S. Nation; that a Female [Male or Female] child was born to me on 18 day of Feby 1906.; that said child has been named Madge A Davis and was living March 4, 1906.

My commission expires Mch 3rd 1906 Rosie Davis

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 12 day of May 1906. (SEAL)

W. T. Terrell

My commission expires Mch 3rd 1906. Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, Central District.

I, Emma Blake, a Midwife, on oath state that I attended on Rosie Davis, wife of Luther Davis, on the 18 day of Feby 1906.; that there was born to her on said date a Female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Madge A Davis

Emma Blak (SEAL)

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 12 day of May 1906.

W. T. Terrell

My commission expires Mch 3rd 1906 Notary Public.

23-1053.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-:0:-

In the matter of the application for the enrollment of Floy E. Davis et al, as citizens by blood of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that on May 15, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Floy E. Davis and Madge A. Davis as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that Floy E. Davis and Madge A. Davis were born April 8, 1902 and February 18, 1906, respectively and are the children of Rose Davis who, as "Rosa Perkins (now Rosa Davis) or Rose Perkins", was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on March 21, 1904, in case No. 122 on the South McAlester Docket thereof and Luther Davis, a non citizen.

I am of the opinion that the applicants, Floy E. Davis and Madge A. Davis, are not entitled to enrollment as citizens by blood of the Choctaw Nation and that the application for their enrollment as such should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137) and it is so ordered.

Commissioner.

Muskogee, Indian Territory,
JAN 16 1907

23-1053

COPY

Muskogee, Indian Territory, January 16, 1907.

Luther Davis,

Scipio, Indian Territory.

Dear Sir:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 16, 1907, denying the application for the enrollment of Floy E. Davis and Madge A. Davis as citizens by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day trnasmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.
23-1053.

23-1053

Cor

Muskogee, Indian Territory, January 16, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 16, 1907, denying the application for the enrollment of Floy E. Davis and Madge A. Davis as citizens by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for revie . The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

23-1053.

COPY

Muskogee, Indian Territory, January 16, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Wiley H. Davis and Madge A. Davis as citizens by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 16, 1907, denying said application.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Through the
Commissioner of Indian Affairs.

23-1033.

Y.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

O.K.

IRS
D.C.19051-1907.
I.T.D.
4594, 4604, 4606, 4608,- 1907.
4642, 4650, 4668, 4702, "
4716, 4722, 4724, 4728 "

February 27, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of Your Letter of transmittal.
Tom Isaac, (Miss. Choc.),	December 15, 1906
Viney King et al., (Freedmen),	October 19, 1906
Frank Going,	October 19, 1906
James Morris	October 19, 1904
Fley E. Davis et al.,	January 16, 1907
Susan Jackson et al.,	January 29, 1907
Lillie Henderson	January 16, 1907
Claudia A. Plate et al.,	December 24, 1906
Beatrice Bettens,	January 8, 1907
William M. Mitchell et al.,	January 9, 1907.
Thedia B. Blake et al.,	November 22, 1906
Cora A. Pyle,	January 9, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

12 inc. and 24
inc. for Ind. Of.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

~~4716~~
2-28-07.

(COPY)

Refer in reply to the following:
Land.
6917-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed record of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Floy E. Davis and Madge A. Davis as citizens by blood of the Choctaw Nation.

Commissioner Bixby found from the record in the case and the records in his possession that Floy E. Davis and Madge A. Davis were born April 8, 1902 and February 18, 1906 respectively, and are the children of Rose Davis, who, as Rosa Perkins, or Rose Perkins, was denied citizenship in the Choctaw Nation by the Choctaw-Chickasaw Citizenship Court on March 21, 1904, in case No. 122 of the South McAlester docket thereof, and Luther Davis, a non-citizen. He determined that the applicants were not entitled to enrollment and on January 16, 1907, rejected them.

The decision of the Commissioner is in harmony with the decision of the Department in the William Jesse Bacon case (I.T.D.-8008-1905, 2548-1906), and it is recommended that the decision be approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

[redacted]-Y.

23-1053

Muskogee, Indian Territory, April 3, 1907.

Luther Davis,

Scipio, Indian Territory.

Dear Sir:

You are hereby advised that on February 27, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered January 16, 1907, denying the application for the enrollment of Floy E. Davis and Madge A. Davis as citizens by blood of the Chootaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

23-1063

Muskogee, Indian Territory, April 3, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 27, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered January 16, 1907, denying the application for the enrollment of Floy E. Davis and Madge A. Davis as citizens by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

4

7-3131

Muskogee, Indian Territory, May 19, 1906.

Luther Davis,

Scipio, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Rosie Davis and Emma Blak to the birth of Floy E. Davis and Madge A. Davis, children of Luther Davis and Rose (Meek) Davis, February 18, 1906 and April 8, 1902, respectively, and the same have been filed as an application for the enrollment of said children.

Respectfully,

Acting Commissioner.

7-3131

Muskogee, Indian Territory, May 19, 1906.

Rose Davis,

Scipio, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of the affidavits of Rosie Davis and Emma Blak to the birth of Floy M. Davis and Madge A. Davis, children of Luther and Rose Davis (nee Meek) April 8, 1902, and February 18, 1906, respectively.

Respectfully,

Acting Commissioner.

Commissioner of the Five Civilized Tribes

We think application for
Enrollment of Ivy E Davis
has been made but do not
know. If it has please let
us know at once

Further Davis &
Rosie Davis
per WKD

4 Y.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON. O.K.

LRS
D.C.12051-1907.
I.T.D.
4594, 4604, 4606, 4608,- 1907.
4642, 4650, 4668, 4702, "
4716, 4722, 4724, 4728 "

February 27, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of Your Letter of transmittal.
Tom Isaac, (Miss. Choc.),	December 15, 1906
Viney King et al., (Freedmen),	October 19, 1906
Frank Going,	October 19, 1906
James Morris	October 19, 1906
Floy E. Davis et al.,	January 16, 1907
Sousan Jackson et al.,	January 29, 1907
Lillie Henderson	January 16, 1907
Claudia A. Plato et al.,	December 24, 1906
Beatrice Bottoms,	January 9, 1907
William H. Mitchell et al.,	January 9, 1907.
Thedia D. Blake et al.,	November 22, 1906
Cora A. Pyle,	January 9, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

12 inc. and 24 inc. for Ind. Of.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

AFMc
2-28-07.

Refer in reply to the following: (C O P Y)

Land.
6917-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 21 ,1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed record of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Wley E. Davis and Madge A. Davis as citizens by blood of the Choctaw Nation.

Commissioner Bixby found from the record in the case and the records in his possession that Wley E. Davis and Madge A. Davis were born April 8, 1902 and February 18, 1906 respectively, and are the children of Rose Davis, who, as Rosa Parkins, or Rose Perkins, was denied citizenship in the Choctaw Nation by the Choctaw-Chickasaw Citizenship Court on March 21, 1904, in case No. 122 of the South McAlester docket thereof, and Luther Davis, a non-citizen. He determined that the applicants were not entitled to enrollment and on January 16, 1907, rejected them.

The decision of the Commissioner is in harmony with the decision of the Department in the William Jesse Bacon case (I.T.D.-8006-1905, 2548-1906), and it is recommended that the decision be approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EMM-Y.

Choctaw Minor 1054

Bonnie Edmondson

M1054

1051

MINOR

CHOCTAW

ENROLLMENT

BONNIE EDMONDSON

As Citizen of the

CHOCTAW NATION

Act of Congress

Approved April 26. 1906

REFUSED JAN 10 1907

COPY OF DECISION FORWARDED APPLICANT JAN 16 1907

Copy of Decision Forwarded Attorneys for Choctaw and Chickasaw Nations. JAN 16 1907

RECORD FORWARDED DEPARTMENT JAN 16 1907

ACTION APPROVED BY SECRETARY OF INTERIOR MAR 4 1907

Notice of Departmental Action Forwarded Attorneys for Choctaws and Chickasaw Nations APR 13 1907

Notice of Departmental Action Mailed Applicant APR 13 1907

NEW BORN 10.4

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

.....Bannie Edmonason.....

as a citizen of

.....Choctaw..... Nation.

Approved..... 190...

.....

Commissioner.

Born April 17, 1903

Act of Congress approved April 26, 1906.

Department of the Interior

Commissioner to the Five
Civilized Tribes.
F I L E D MAY 24, 1906
Tams Bixby Commissioner.

Choctaw Received May 17, 1906.
N. B. 1054

BIRTH AFFIDAVIT. 190

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Bonnie Edmondson [Here insert name of child], born on the 17 day of April 1903

Name of Father: Thos E Edmondson a citizen of the Choctaw Nation.

Name of Mother: Lizzie E Edmondson a citizen of the Choctaw Nation.

Tribal enrollment of father Intermaried. Tribal enrollment of mother Choctaw by blood.

Postoffice Ryan I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, Southern District.

I, Lizzie E. Edmondson, on oath state that I am 38 years of age and a citizen by blood, of the Choctaw Nation; that I am the lawful wife of Thos E. Edmondson, who is a citizen, by intermarriage the Choctaw Nation; that a female [Male or Female] child was born to me on 17th day of April 1903.; that said child has been named Bonnie Edmondson and was living March 4, 1906.

Lizzie E. Edmonason

WITNESSES TO MARK:

[Must be Two Witnesses] .....

.....

Subscribed and sworn to before me this 14th day of May 1906.

(SEAL) Cham Jones

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, Southern District.

I, S. K. Montgomery, a Physician, on oath state that I attended on Lizzie E. Edmondson, wife of Thos E. Edmondson on the 17 day of April 903. that there was born to her on said date a female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Bonnie Edmondson

S. K. Montgomery M. D.

WITNESSES TO MARK:

[Must be Two Witnesses] .....

.....

Subscribed and sworn to before me this 14th day of May 1906.

(SEAL) Cham Jones

Notary Public.

23-1054.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-:O:-

In the matter of the application for the enrollment of Bonnie Edmondson as a citizen by blood of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that on May 17, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Bonnie Edmondson as a citizen by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that Bonnie Edmondson was born April 17, 1903 and is the daughter of Lizzie E. Edmondson, who, as Lizzie Edmonson, was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on November 28, 1904 in case No. 64 on the Tishomingo Docket thereof, and Thos E. Edmondson, whose application (as Thomas E. Edmondson) for enrollment as a citizen by intermarriage of the Choctaw Nation, claiming his right through the said Lizzie E. Edmondson, was denied by the Commission to the Five Civilized Tribes on February 21, 1906 and approved by the Secretary of the Interior March 23, 1906 (I. T. D. 2182-1905).

I am of the opinion that the applicant, Bonnie Edmondson, is not entitled to enrollment as a citizen by blood of the Choctaw Nation and that the application for her enrollment as such should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,
JAN 16 1907

COPY

Muskogee, Indian Territory, January 16, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Bonnie Edmondson as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes dated January 16, 1907, denying said application.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Through the
Commissioner of Indian Affairs.
23-1054.

23-1054

COPY

Muskogee, Indian Territory, January 16, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 16, 1907, denying the application for the enrollment of Bonnie Edmondson as a citizen by blood of the Choctaw Nation.

The decision, with the proceedings in the matter id this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

23-1054 .

23-1054.

COPY

Muskogee, Indian Territory, January 14, 1907.

Thomas E. Edmondson,

Ryan, Indian Territory.

Dear Sir:

I inclose herewith a cop y of the decision of the Commissioner to the Five Civilized Tribes, rendered January 16, 1907, denying the application for the enrollment of Bonnie Edmondson as a citizen by blood of the Chootaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

23-1054.

LRS. DEPARTMENT OF THE INTERIOR,

D.C. 12308-1907. WASHINGTON. S.P.
I.T.D.
5004, 5128, 5130, 5144, 5292-1907.
5296, 5310, 5326, 5330, 5360- "
5392, 5412, 5446, 5474, 5496- "
5500, 5504, 5506, 5512, 5516- "
5550, 5574, 5580, 5584, 5586- "
5598, 5602, 5606, 5604, 5614- "
5610, 5640, 5615, 5628, 5636- "
5362-1907. 21246-1906.
DIRECT.

March 1, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of your letter of transmittal.
Bonnie Edmondson	January 16, 1907.
Josephine Lebum, et al.	February 9, 1907.
Asre Allen Harvey, et al. (freedmen)	February 7, 1907.
Jodie Lee Hancock,	February 5, 1907.
James Louis Rogers, et al.,	January 28, 1907.
Porter Buehner (freedman)	February 6, 1907.
Esther James (freedman)	February 6, 1907.
Nelsie Butler, et al.	February 7, 1907.
Verna Dunlap, et al.	January 28, 1907.
Betty Prince, et al.	June 26, 1906.
Dave Beaty, et al.	January 29, 1907.
John Henry Sanders, et al. (freedmen)	January 24, 1907.
Lois Lucile Ray	January 8, 1907.
Hirshia Parks, et al.	January 11, 1907.
David D. Tidwell, et al.	January 9, 1907.
A. J. Crowson, et al.	January 28, 1907.
Adar Williams, et al. (freedmen)	February 6, 1907.

Title of case.	Date of your letter of transmittal.
Mary Emery	January 26, 1907.
Edith Paul, et al.	January 26, 1907.
Willie J. Walker, et al.	January 4, 1907.
Martha McCoy (freedman)	January 31, 1907.
Thomas Virgil Bottoms, et al.	January 8, 1907.
Augustus Burris (freedman)	February 8, 1907.
James Wilson Welsh	January 28, 1907.
Vara L. Billard	January 28, 1907.
Sammie Morris (freedman)	February 8, 1907.
Ghesteenie Pearce	December 24, 1906.
Alta A. Brown, et al.	January 29, 1907.
William Henry Riddle	January 26, 1907.
Lula Bouton Bond, et al.	December 22, 1906.
Manina Maud Carrel	January 26, 1907.
Ruther Ervin, et al.	November 10, 1906.
Harrison Robison	December 24, 1906.
Geroge Robinson, et al.	December 24, 1906.
Carvenia Clark	November 10, 1906.
James King	January 28, 1907.
Nettie Brown, et al.	June 15, 1906.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson.

Assistant Secretary.

37 inclosures, and
74 to Ind. Of.

A. F. Mc
2-1-07.

Copy.

Refer in reply to the
following. DEPARTMENT OF THE INTERIOR,
D.C. 12306-1907.
Land OFFICE OF INDIAN AFFAIRS,
6927-1907.

WASHINGTON, February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 16, 1907, transmitting the record relative to the application made on May 17, 1906, for the enrollment of Bonnie Edmonson, as a citizen by blood of the Choctaw Nation. On January 16, 1907, the Commissioner held that the applicant was not entitled to enrollment.

The record shows that the applicant was born on April 17, 1903 and is the daughter of Lizzie L. Edmonson, who as Lizzie Edmonson, was denied citizenship in the Choctaw and Chickasaw Citizenship Court on November 23, 1904, and Thomas E. Edmonson whose application (as Thomas E. Edmonson) for enrollment as a citizen by intermarriage of the Choctaw Nation claiming his right through Lizzie E. Edmonson, was denied by the Commission to the Five Civilized Tribes on February 21, 1905.

It does not appear from the record that Lizzie E. Edmonson ever had any tribal status. Therefore this case does not come within the facts in the Lula West case.

Under the provisions of the Act of April 26, 1906 (34 Stat. L 137), and the Act of June 21, 1906 (34 Stat. L. 325) the ap-

plicant is not entitled to enrollment.

It is therefore recommended that the decision of the Commissioner adverse to the applicant be approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

J.P.B. -NL.

25-1084

Muskogee, Indian Territory, April 13, 1907.

Thomas E. Edmondson,

Ryan, Indian Territory.

Dear Sir:

You are hereby advised that on March 1, 1907, the Secretary of the Interior affirmed the decision of this office of January 16, 1907, denying the application for the enrollment of Bonnie Edmondson as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

ACTING Commissioner.

23-1054

Muskogee, Indian Territory, April 13, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 1, 1907, the Secretary of the Interior affirmed the decision of this office of January 14, 1907, denying the application for the enrollment of Bonnie Edmondson as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

7-5292

Muskogee, Indian Territory, May 22, 1906.

Lizzie E. Edmondson,

Ryan, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your affidavit and the affidavit of S. K. Montgomery M. D., to the birth of Bennie Edmondson child of Thos. E. and Lizzie E. Edmondson, April 17, 1906.

Respectfully,

Acting Commissioner.

Choctaw Minor 1055

Harrold Fisher

M 1055

MINOR

CHOCTAW
ENROLLMENT

HARROLD FISHER

As Citizen of the
CHOCTAW NATION
Act of Congress
Approved April 26. 1906

REFUSED JAN 16 1907

COPY OF DECISION FORWARDED
APPLICANT JAN 16 1907

Copy of Decision Forwarded
Attorneys for Choctaw and
Chickasaw Nations
JAN 16 1907

RECORD FORWARDED DEPARTMENT
JAN 16 1907

ACTION APPROVED BY
SECRETARY OF INTERIOR FEB 25 1907

Notice of Departmental Action
forwarded Attorneys for Choctaw
and Chickasaw Nations.
APR 18 1907

Notice of Departmental
Action mailed applicant.
APR 18 1907

NEW BORN 1055

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Harrold Fisher

as a citizen of

Chootaw Nation.

Approved ..... 190...

.....
Commissioner.

Born Aug 10, 1905
Act of Congress approved April 26, 1906.
Department of the Interior
Commissioner to the Five
Civilized Tribes.
F I L E D JUN 9, 1906
Tams Bixby, Commissioner.
Choctaw N. B. 1055 Received May 28 1906.

BIRTH AFFIDAVIT. 1 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Harrold Fisher [Here insert name of child] born on the 10 day of August 1905

Name of Father: S. R. Fisher a citizen of the U. S. Nation.

Name of Mother: Carrie Fisher a citizen of the Choctaw Nation.

Tribal enrollment of father ..... Tribal enrollment of mother Choctaw

Postoffice Byars I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Carrie Fisher, on oath state that I am 36 years of age and a citizen by Blood, of the Choctaw Nation; that I am the lawful wife of S. R. Fisher, who is a citizen, by ....., of the U. S. Nation; that a Boy [Male or Female] child was born to me on 10 day of August 1905.; that said child has been named Harrold Fisher and was living March 4, 1906.

Carrie Fisher

WITNESSES TO MARK:

[Must be Two Witnesses] .....
.....

Subscribed and sworn to before me this 26 day of May 1906.

C. P. Haggard (SEAL)
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, G. L. Johnson, a M. D., on oath state that I attended on Mrs Carrie Fisher, wife of S. R. Fisher, on the 10 day of August 1905 ; that there was born to her on said date a Boy [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Harrold Fisher.

G. L. Johnson M. D.

WITNESSES TO MARK:

[Must be Two Witnesses] .....
.....

Subscribed and sworn to before me this 26 day of May 1906.

(SEAL) P. P. Kibbey
Notary Public

23-1055.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-:O:-

In the matter of the application for the enrollment of Harrold Fisher as a citizen by blood of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that on May 28, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Harrold Fisher as a citizen by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that Harrold Fisher was born August 10, 1905 and is the son of Carrie Fisher who, as "Carrie Fisher (nee Gamel) or Carrie Witt (nee Gamel)", was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on May 4, 1904 in case No. 4 on the Tishomingo Docket thereof and S. R. Fisher, a non citizen.

I am of the opinion that the applicant, Harrold Fisher, is not entitled to enrollment as a citizen by blood of the Choctaw Nation and that the application for his enrollment as such should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137) and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

JAN 16 1907

23-1065.

COPY

Muskogee, Indian Territory, January 16, 1907.

S. R. Fisher,

Byars, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 16, 1907, denying the application for the enrollment of Harrold Fisher as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for re review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby
Commissioner.

Registered.

Incl. 23-1065.

23-1055

COPY

Muskogee, Indian Territory, January 16, 1907.

Mansfield, McMurray and Cornish,

Attorneys for Choctaw and Chickasaw Nation.

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 16, 1907, denying the application for the enrollment of Harrold Fisher as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED [illegible]

Commissioner.

Incl. 23-1055.

COPY

Muskogee, Indian Territory, January 16, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Harrold Fisher as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 16, 1907 denying said application.

Respectfully,

SIGNED Tams Bixby

Commissioner.

2 Inel. 23-1065.

Through the
Commissioner of Indian Affairs.

S/R.W.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

D. C. 11714.

S.P.

I. T. D. 4286-1907.

February 25, 1907.

L.R.S.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

February 19, 1907, the Indian Office transmitted the record in the matter of the application of Harold Fisher for enrolment as a citizen by blood of the Choctaw Nation, concurring in your decision of January 16, 1907, adverse to the applicant.

The Department also concurs and your decision is affirmed.

The Department does not consider that the ruling of the Department of July 10, 1906, in the William Jesse Bacon case referred to by the Indian Office is applicable.

A copy of Indian Office letter is inclosed.

The record has been sent to the Indian Office for its files, together with a carbon copy hereof.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inc. and 2 for Ind. Of.

A.F.Mc

2-26-07.

Copy.

Land
2679-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 19, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 16, 1907, transmitting the record relative to the application of Harold Fisher for enrollment as a citizen by blood of the Choctaw Nation, together with the Commissioner's decision of January 16, 1907, denying the application.

The record shows that the applicant was born on August 10, 1905, and that he is the son of Carrie Fisher, who as Carrie Fisher, nee Gamel, or Carrie Witt, nee Gamel, was denied citizenship in the Choctaw Nation by the Choctaw-Chickasaw Citizenship Court on May 4, 1904, and S. R. Fisher, a non-citizen. Neither of the parents of the applicant seems, from the record, to have had a tribal status in 1896; consequently the points involved in this case do not come within the Loula West case.

It is recommended that the application be rejected in accordance with the Act of June 21, 1906, (34 Stat.L., 325), and the Department's decision of July 10, 1906, I.T.D. 2548, in the William Jesse Bacon case.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-GH.

23-1086

Muskogee, Indian Territory, April 18, 1907.

S. R. Fisher,

Byars, Indian Territory.

Dear Sir:

You are hereby advised that on February 25, 1907, the Secretary of the Interior affirmed the decision of this office of January 16, 1907, denying the application for the enrollment of Harrold Fisher as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

23-1056

Muskogee, Indian Territory, April 18, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 25, 1907, the Secretary of the Interior affirmed the decision of this office of January 16, 1907, denying the application for the enrollment of Harrold Fisher as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, June 2, 1906.

Carrie Fisher,

Byars, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your affidavit and the affidavit of G. L. Johnson M. D., to the birth of Harrold Fisher, child of S. R. and Carrie Fisher, August 10, 1905.

It appears from the affidavits that you are a citizen by blood of the Choctaw Nation. If this is correct, you are requested to state when, where and under what name application was made for your enrollment, the names of your parents, and other members of your family for whom application was made at the same time, and if you have selected an allotment of the lands of the Choctaw and Chickasaw Nations, give your roll number as the same appears upon your allotment certificate.

Respectfully,

Commissioner.

Byars, I. T. June 4 1906

Commissioner to Five Tribes

Muskogee,

I. T.

Sir: My application for enrollment was made at Ardmore in 1896 I think; under the name of Carrie Witt my mother's name is Kate Gamel My enrollment no is Choctaw D 565.

Yours Recpt.

Carrie Fisher

Byars

I.T.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

D. C. 11714.

I. T. D. 4286-1907.

L.R.S.

Direct.

S.P.

February 25, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

February 19, 1907, the Indian Office transmitted the record in the matter of the application of Harold Fisher for enrolment as a citizen by blood of the Cheetaw Nation, concurring in your decision of January 16, 1907, adverse to the applicant.

The Department also concurs and your decision is affirmed.

The Department does not consider that the ruling of the Department of July 10, 1906, in the William Jesse Bacon case referred to by the Indian Office is applicable.

A copy of Indian Office letter is inclosed.

The record has been sent to the Indian Office for its files, together with a carbon copy hereof.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inc. and 2 for Ind. Of.

A.F.M.

2-26-07.

Copy.

Land
2679-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 19, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 16, 1907, transmitting the record relative to the application of Harold Fisher for enrollment as a citizen by blood of the Choctaw Nation, together with the Commissioner's decision of January 16, 1907, denying the application.

The record shows that the applicant was born on August 10, 1905, and that he is the son of Carrie Fisher, who as Carrie Fisher, nee Gamel, or Carrie Witt, nee Gamel, was denied citizenship in the Choctaw Nation by the Choctaw-Chickasaw Citizenship Court on May 4, 1904, and S. R. Fisher, a non-citizen. Neither of the parents of the applicant seems, from the record, to have had a tribal status in 1896; consequently the points involved in this case do not come within the Leula West case.

It is recommended that the application be rejected in accordance with the Act of June 21, 1906, (34 Stat.L., 325), and the Department's decision of July 10, 1906, I.T.D. 2548, in the William Jesse Bacon case.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

SAW-GH.

Choctaw Minor 1056

Mary Ina Marler

M 1056

1056

MINOR

CHOCTAW

ENROLLMENT

MARY INA MILLER

As Citizen of the

CHOCTAW NATION

Act of Congress

Approved April 26, 1906

REFUSED JAN 16 1907

COPY OF DECISION FORWARDED APPLICANT JAN 16 1907

Copy of Decision Forwarded Attorneys for Choctaw and Chickasaw Nations. JAN 16 1907

RECORD FORWARDED DEPARTMENT

JAN 16 1907

ACTION APPROVED BY SECRETARY OF INTERIOR

FEB 25 1907

Notice of Departmental Action forwarded Attorney for Choctaw and Chickasaw Nations

APR 18 1907

Notice of Departmental Action Mailed Applicant.

APR 18 1907

1056

NEW BORN 1056.

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....Mary Ina Marler.....

as a citizen of

.....Choctaw..... Nation.

Approved..... 190...

.....

Commissioner.

Born Jan 1, 1902
Act of Congress approved April 26, 1906

Department of the Interior
Commissioner to the Five
Civilized Tribes.
F I L E D JUN 9 1906
Tams Bixby, Commissioner.

Choctaw Received May 29, 1906.
N. B. 1056.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Mary Ina Marler (Here insert name of child) born on the 1 day of Jany 902

Name of Father: John M. Marler a citizen of the Choctaw Nation.

Name of Mother: Ida C. Marler a citizen of the Choctaw Nation.

Tribal enrollment of father None Tribal enrollment of mother None

Postoffice Velma I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Ida C. Marler, on oath state that I am 36

years of age and a citizen by blood, of the Choctaw Nation;

that I am the lawful wife of John M. Marler, who is a citizen, by

....., of the.....Nation; that a female (Male or Female) child was

born to me on 1st day of January 1902; that said child has been named

Mary Ina Marler and was living March 4, 1906.

Ida C. Marler

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 18 day of May 1906.

William A. Newton (SEAL)
Notary Public Southern Dist. Ind. Ty.
My Commission Expires Feb, 13,, 1907.
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Mrs. Wood Parks, a Midwife, on oath state that I

attended on Mrs Ida Marler, wife of John M. Marler

on the 1st day of Jany 1902; that there was born to her on said date a female (Male or Female)

child; that said child was living March 4, 1906, and is said to have been named

Mary Ina Marler

Mrs Wood Parks

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 21st day of May 1906.

T. J. Nichols (SEAL)
Notary Public.

Commission expires Apr 14 1911.

23-1056.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-:0:-

In the matter of the application for the enrollment of Mary Ina Marler as a citizen by blood of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that on May 29, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Mary Ina Marler as a citizen by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that Mary Ina Marler was born January 1, 1902 and is the daughter of Ida C. Marler, who as Ida Marler, was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on June 29, 1904 in case No. 109 on the Tishomingo Docket thereof and John K. Marler, a non citizen white man.

I am of the opinion that the applicant, Mary Ina Marler, is not entitled to enrollment as a citizen by blood of the Choctaw Nation and that the application for her enrollment as such should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

_____.

23-1056

COPY

Muskogee, Indian Territory, January 16, 1907.

John M. Marler,

Velma, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 16, 1907, denying the application for the enrollment of Mary Ina Marler as a citizn by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Registered.

Incl. 23-1056.

23-1056

Muskogee, Indian Territory, January 16, 1907.

Mansfield, McMurray, and Cornish,

Attorneys for the Choctawand Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 16, 1907, denying the application for the enrollment of Mary Ina Marler as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 23-1056.

COPY

Muskogee, Indian Territory, January 16, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Mary Ina Marler as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 16, 1907, denying said application.

Respectfully,

Tams Bixby

Commissioner.

2 incl. 23-1086.

Through the
Commissioner of Indian Affairs.

CRW

DEPARTMENT OF THE INTERIOR, S. P.
WASHINGTON.

I. T. D. 4300-1907.
D.C. 11721-1907.
LRS.

February 25, 1907.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

February 19, 1907, the Indian Office transmitted the record in the matter of the application of Mary Ina Marler, for enrolment as a citizen by blood of the Choctaw Nation, concuring in your decision of January 16, 1907, adverse to the applicant.

The Department also concurs and your decision is affirmed.

The Department does not consider that its ruling of July 10, 1906, in the William Jesse Bacon case referred to by the Indian Office is applicable.

A copy of Indian Office letter is inclosed.

The record has been sent to the Indian Office for its files, together with a carbon copy hereof.

Respectfully,

Jesse R. Wilson
Assistant Secretary.

1 incand
2 to Ind. Of.

A. F. Mc.

2-26-07.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land.
6277-1907.

February 19, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 16, 1907, transmitting the record relative to the application for the enrollment of Mary Ina Marler as a citizen by blood of the Choctaw Nation, including the Commissioner's decision of January 16, 1907, rejecting the application.

The record shows that the applicant is the daughter of Ida C. Marler, who as Ida Marler was denied citizenship in the Choctaw Nation by the Choctaw-Chickasaw Citizenship Court on June 29, 1904, and John M. Marler, a non-citizen white man.

The points involved in this case do not seem to come within those involved in the Loula West case, as the record does not show that either of the parents of the applicants had a tribal status in 1896, and it is recommended that their application be rejected, in accordance with the provisions of the Act of June 21, 1906 (34 Stat.L. ,325), and the Department's holding of July 10, 1906, I.T.D. 2548, in the William Jesse Bacon case.

Very respectfully,
C. F. Larrabee,
Acting Commissioner.

GAW-GH

23-1086

Muskogee, Indian Territory, April 18, 1907.

John M. Marler,

Velma, Indian Territory.

Dear Sir:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered January 16, 1907, denying the application for the enrollment of Mary Ina Marler as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

23-1066

Muskogee, Indian Territory, April 18, 1907.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 25, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered January 16, 1907, denying the application for the enrollment of Mary Ina Marler as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

Choctaw Minor 1057

Retta M. Morgan

M 1057

1057

MINOR

CHOCTAW

ENROLLMENT

RETTA M. MORGAN

As Citizen of the

CHOCTAW NATION

Act of Congress

Approved April 26, 1906

Decline to receive JAN 29 1907

COPY OF DECISION FORWARDED APPLICANT JAN 29 1907

Copy of Decision Forwarded Attorneys for Choctaw and Chickasaw Nations. JAn 29 1907

RECORD FORWARDED DEPARTMENT. JAN 29 1907

Action Approved by Secretary of Interior. MAR 1 1907

Notice of Departmental Action Forwarded Attorneys for Choctaw and Chickasaw Nations. APR 3 1907

Notice of Departmental Action Mailed Applicant. APR 3 1907

NEW BORN 1057
217

IN RE
Application for Enrollment of
INFANT CHILD

Retta M. Morgan
as a citizen of

Choctaw Nation.

Approved 190

Commissioner

Born April 16, 1903
Act of Congress approved April 26, 1906
Department of the Interior
Commissioner to the Five
Civilized Tribes

F I L E D MAY 1, 1906
Tams Bixby, Commissioner

CHOCTAW RECEIVED APR 26 1906
N. B. 1057

BIRTH AFFIDAVIT.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Retta M. Morgan (Here insert name of child), born on the 16th day of April 1903

Name of Father: Hiram M Morgan a citizen of the ~~xxx~~ non citizen Nation.

Name of Mother: Lenora M Jones a citizen of the Choctaw Nation.

Postoffice Ego I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Central DISTRICT. }

I, Lenora M Morgan (nee Lenora M Jones), on oath state that I am 18 years of age and a citizen by blood, of the Choctaw Nation; that I am the lawful wife of Hiram M Morgan, who is a citizen by non Citz, of the ~~xxx~~ Nation; that a Female (Male or Female) child was born to me on 16th day of April, 1903; that said child has been named Retta M Morgan, and died Oct 16 1903

Lenora M Morgan
nee Lenora M Jones

WITNESSES TO MARK:
(SEAL)

(Must be Two Witnesses) }

Subscribed and sworn to before me this 20th day of March, 1906.

W. H. Angell
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
DISTRICT. }

I, , a , on oath state that I attended on Mrs. , wife of on the day of , 1 ; that there was born to her on said date a (Male or Female.) child; that said child was living March 4, 1905, and is said to have been named

WITNESSES TO MARK:

(Must be Two Witnesses) }

Subscribed and sworn to before me this day of , 190 .

Notary Public.

23-1057.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-:0:-

In the matter of the application for the enrollment of Retta M. Morgan as a citizen by blood of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that on April 26, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Retta M. Morgan as a citizen by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records of this office that Retta M. Morgan was born April 16, 1903 and is the daughter of Lenora M. Morgan, whose name, as Lenora M. Jones, appears opposite No. 15249 upon the final roll of citizens by blood of the Choctaw Nation approved by the Secretary of the Interior May 9, 1904 and Hiram M. Morgan, a non citizen.

It further appears from the record herein that Retta M. Morgan died October 16, 1903.

Section 2 of the Act of Congress approved April 26, 1906 (34 Stats., 137) provides in part as follows:

> "That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof....."

I am of the opinion that inasmuch as the applicant, Retta M. Morgan, was not living March 4, 1906, I am without authority to receive or consider the application for her enrollment as a citizen by blood of the Choctaw Nation and that therefore I should decline to receive or consider the same, under the above provision of law, and it is so ordered.

Commissioner.

Muskogee, Indian Territory,
JAN 29 1907

23-1057

COPY

Muskogee, Indian Territory, January 29, 1907.

Hiram N Morgan,

Ego, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 29, 1907, declining to receive or consider the application for the enrollment of Retta M. Morgan as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl. 23-1057.

23-1057.

COPY

Muskogee, Indian Territory, January 29, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 29, 1907, declining to receive or consider the application for the enrollment of Retta M. Morgan as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 23-1057

COPY

Muskogee, Indian Territory, January 29, 1907.

The Honorable,

The Secretary of the Interior:

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Retta M. Morgan as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 29, 1907, declining to receive or consider said application.

Respectfully,

SIGNED Tams Bixby

Commissioner.

2 Incl. 23-1057

Through the
Commissioner of Indian Affairs.

YP

S.P.

DEPARTMENT OF THE INTERIOR

WASHINGTON

D. C. 12306-1907.
I.T.D. 5520,5560,5562,5564,5578-1907.
5590,5594,5598,5600,5602- "
5606,5608,5622,5630,5636- "

March 1, 1907.

LRS

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of your letter of transmittal.
Arizona Goddard, et al.	January 23, 1907.
Ollie B. Oxbirn	January 11, 1907.
John Thomas Owens, et al.	January 10, 1907.
Alfred F. Barbour	January 11, 1907.
Newton Nail (freedman)	February 9, 1907.
Bertha May Williams, et al.	December 1, 1906.
Leroy Brashears (freedman)	February 8, 1907.
J. N. La Rue Moore	December 24, 1906.
Florence M. Reeves	January 28, 1907.
Della Ellis, et al.(Choc.or Chick.)	January 4, 1907.
Elberta Burris (freedman)	February 8, 1907.
Eldridge Lee Kirkland	January 28, 1907.
Clarence Henry Maddox, et al.	December 24, 1906.
Retta M. Morgan	January 29, 1907.
Noel Walker	January 4, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfuly,

Jesse E. Wilson,

Assistant Secretary.

15 inc. and
30 to Ind. Of.

A.F.Mc.
3-1-07.

COPY.

Land
10475-1907. DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON

February 25, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Retta M. Morgan as a citizen by blood of the Chootaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 29, 1907, adverse to the applicant.

The record shows that on April 26, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Retta M. Morgan as a citizen of the Choctaw Nation. The record further shows that the applicant was born April 16, 1903, and is the daughter of Lenora M. Morgan, whose name as Lenora M. Jones appears on the final roll of citizens by blood of the Chootaw Nation, and Hiram M. Morgan a non-citizen. The record further shows that Retta M. Morgan died on October 16, 1903.

Inasmuch as the applicant was not living on March 4, 1906, the Office concurs in the decision of Commissioner Bixby denying the enrollment of Retta M. Morgan as a citizen of the Choctaw Nation, under the provisisions of the act of April 26, 1906 (34 Stat. L., 137).

Very respectfully,
C. F. Larrabee,
Acting Commissioner.

EBM-D

23-1037

Muskogee, Indian Territory, April 3, 1907.

Hiram M. Morgan,

Nge, Indian Territory.

Dear Sir:

You are hereby advised that on March 1, 1907, the Secretary of the Interior affirmed the decision of this office of January 29, 1907, declining to receive or consider the application for the enrollment of Retta M. Morgan as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

23-1057

Muskogee, Indian Territory, April 3, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 1, 1907, the Secretary of the Interior affirmed the decision of this office of January 29, 1907, declining to receive or consider the application for the enrollment of Retta M. Morgan as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

Choctaw 5739

Muskogee, Indian Territory, March 25, 1905.

Lenora M. Morgan,
Care Hiram M. Morgan,
Ego, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your affidavit to the birth of Retta M. Morgan, child of Lenora M. and Hiram M. Morgan, April 16, 1903. It is stated in your affidavit that this child died October 16, 1903, and you are advised that under the provisions of the act of Congress approved March 3, 1905, the Commission is authorized to enroll children born to enrolled citizens by blood of the Choctaw and Chickasaw Nations subsequent to September 25, 1902, and prior to March 4, 1905, and living on that date. You will therefore see that the Commission is without authority to enroll children born to citizens of the Choctaw and Chickasaw Nations subsequant to September 25, 1902, who were not living on March 4, 1905.

Respectfully,

Chairman.

Choctaw Minor 1058

Lenora May Laxton

M 1058

1058

MINOR

CHOCTAW

ENROLLMENT

LENORA MAY LAXTON

As Citizen of the

CHOCTAW NATION

Act of Con

Approved April 26. 1906

REFUSED JAN 16 1904

COPY OF DECISION FORWARDED JAN 16 1907

Copy of Decision forwarded Attorneys for Choctaw and Chickasaw Nations. JAN 16 1907

RECORD FORWARDED DEPARTMENT JAN 16 1907

ACTION APPROVED BY SECRETARY OF INTERIOR. FEB 25, 1907

Notice of Departmental Action Forwarded Attorneys for Choctaw and Chickasaw Nations. APR 16 1907

Notice of Departmental Action Mailed Applicant. APR 16 1907

NEW BORN 1058

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Lenora May Laxton

as a citizen of

Choctaw Nation.

Approved ..... 190...

..... Commissioner.

Born May 22, 1905
Act of Congress approved April 26, 1906.

Department of the Interior
Commissioner to the Five
Civilized Tribes.
F I L E D JUN 19 1906
Tams Bixby, Commissioner.
Choctaw Received Jun 12 1906
N. B. 1058

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Lenora May Laxton [Here insert name of child] born on the 22 day of May 1905.

Name of Father: C. A. Laxton a citizen of the U. S. Nation.

Name of Mother Gertrude E. Laxton a citizen of the Choctaw Nation.

Tribal enrollment of father ..... Tribal enrollment of mother Choctaw

Postoffice Non Ind Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, Central District.

I, Gertrude E. Laxton, on oath state that I am 26 years of age and a citizen by Blood, of the Choctaw Nation; that I am the lawful wife of C. A. Laxton, who is a citizen, by intermarriage of the Choctaw Nation; that a Female [Male or Female] child was born to me on 22 day of May 1905; that said child has been named Lenora May Laxton and was living March 4, 1906.

Gertrude E. Laxton

WITNESSES TO MARK:

[Must be Two Witnesses] .....

.....

Subscribed and sworn to before me this 5 day of May 1906.

(SEAL)

C. B. McCain

Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, Central District.

I, W. K. Blake, a Physician, on oath state that I attended on Mrs Gertrude E. Laxton, wife of C. A. Laxton, on the 22 day of May 1905; that there was born to her on said date a Female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Lenora May Laxton

W. K. Blake M. D.

WITNESSES TO MARK:

[Must be Two Witnesses] .....

.....

Subscribed and sworn to before me this 7 day of June 1906.

(SEAL)

C. B. McCain

Notary Public

23-1068.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-:0:-

In the matter of the application for the enrollment of Lenora May Laxton as a citizen by blood of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that on June 12, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Lenora May Laxton as a citizen by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein and from the records in the possession of this office that Lenora May Laxton was born May 22, 1905 and is the daughter of Gertrude E. Laxton, who, as Gertrude E. Morris, was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court June 29, 1904 in case No. 31 on the Tishomingo Docket thereof and C. A. Laxton, a non citizen.

I am of the opinion that the applicant, Lenora May Laxton, is not entitled to enrollment as a citizen by blood of the Choctaw Nation and that the application for her enrollment as such should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

JAN 16 1907.

23-1058

COPY

Muskogee, Indian Territory, January 16, 1907.

C. A. Laxton,

Non, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 16, 1907, denying the application for the enrollment of Lencra May Laxton as a citizen by blood of the Chootaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The fianl decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tams Bixby*

Commissioner.

Registered.

Incl. 23-1058.

23-1058

COPY

Muskogee, Indian Territory, January 16, 1907.

Mansfield, McMurray and Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 16, 1907, denying the application for the enrollment of Lenora May Laxton as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The fianl decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tams Bixby*

Commissioner.

Incl. 23-1058.

COPY

Muskogee, Indian Territory, January 16, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Lenora May Laxton as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 16, 1907, denying said application.

Respectfully,

SIGNED Tams Bixby

Commissioner.

2 incl. 23-L088

Through the
Commissioner of Indian Affairs.

C.R.W.

D.C.11715.
I.T.D.4288-1907.
L.R.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

S.P.

February 25, 1907.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

February 19, 1907, the Indian Office transmitted the record in thenmatter of the application of Lenora May Laxton for enrolment as a citizen by blood of the Choctaw Nation, concurring in your decision of January 16, 1907, adverse to the applicant.

The Department also concurs and your decision is affirmed.

The Department does not consider that its ruling of July 10, 1906, in the matter of the application of William Jesse Bacon, is applicable to this case.

A copy of Indian Office letter is inclosed.

The record in the matter has been sent to the Indian Office, together with a carbon copy hereof.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inc. and
2 Inc. Ind. Of.

A.F.Mc

2-26-07.

Land.
6282-1907.

COPY.
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 19, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 16, 1907, transmitting the record relative to the application of Lenora May Laxton for enrollment as a citizen by blood of the Choctaw Nation, together with the Commissioner's decision of January 16, last denying the application.

The record shows that the applicant is the daughter of Gertrude E. Laxton, who as Gertrude E. Morris was denied citizenship by the Choctaw-Chickasaw Citizenship Court, and S. A. Laxton, a non-citizen.

The points involved in the Loula West case, concerning the jurisdiction of the Citizenship Court, are not involved in this case, as the record does not show that the parents of the applicant had tribal status in 1896, and under the provisions of the Act of June 21, 1906 (34 Stat.L., 325,), and the Department's holding of July 10, 1906, in the William Jesse Bacon case, the applicants are not entitled to enrollment. The approval of the Commissioner's decision is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

SAT-GE

23-1058

Muskogee, Indian Territory, April 16, 1907.

C. A. Laxton,

Non, Indian Territory.

Dear Sir:

You are hereby advised that on February 25, 1907, the Secretary of the Interior affirmed the decision of this office of January 16, 1907, denying the application for the enrollment of Lenora May Laxton as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

23-1058

Muskogee, Indian Territory, April 16, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 25, 1907, the Secretary of the Interior affirmed the decision of this office of January 16, 1907, denying the application for the enrollment of Lenora May Laxton as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

7-5220

Muskogee, Indian Territory, June 16, 1906.

Gertrude E. Laxton,

Non, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your affidavit and the affidavit of W. K. Blake M. D., to the birth of Lenora May Laxton, child of C. A. and Gertrude E. Laxton, May 22, 1905.

Respectfully,

Commissioner.

END
OF
ROLL


LOST